



**Department of  
Environmental  
Conservation**

For Release: Thursday, July 20, 2017

## **Albany Pine Bush Preserve Commission, U.S. Fish and Wildlife and New York State DEC Announce Endangered Karner Blue Butterfly Exceeds Federal Recovery Threshold**

### **Collaborative Conservation Efforts Drive Recovery of Endangered Butterfly**

Albany, NY- Twenty-five years after being federally listed as endangered, the Albany Pine Bush population of the Karner blue butterfly, an icon of the Capital District's inland pine barrens, has exceeded recovery goals for the local population, the Albany Pine Bush Preserve Commission (Commission) announced today. Bringing the butterfly one step closer to recovery in New York, the milestone is the result of collaboration by the Commission, the NYS Department of Environmental Conservation (DEC), and the U.S. Fish and Wildlife Service (USFWS) to protect the best remaining global example of an inland pitch pine-scrub oak barrens. Driven by science, the Commission's programs of controlled burning, forest thinning, restoration seeding and environmental education have also helped many other rare animals and advanced state and federal efforts to protect pollinators and young forest wildlife.

**USFWS Northeast Regional Director Wendi Weber said,** "The Albany Pine Bush partners have shown that recovery is possible for the endangered Karner blue butterfly. By managing the barrens for the endangered butterfly, the Commission is bringing along many other types of rare wildlife, including the at-risk spotted turtle, wood turtle and frosted elfin butterfly."

**DEC Commissioner Basil Seggos said,** "New York is committed to protecting the State's natural resources and environmental treasures for future generations, including endangered species like the Karner blue butterfly. Collaborative efforts that include science-based habitat management like New York's Young Forest Initiative and partnerships with the Albany Pine Bush Preserve Commission and the U.S. Fish and Wildlife Service are critical to our work restoring endangered species."

"The Commission is proud of the incredible team of staff, volunteers, and public and private partners that have over many years made it possible for us to advance this species' recovery and pine barrens restoration in the Albany Pine Bush", **said Commission Executive Director Christopher Hawver.**

**Commission Conservation Director, Neil Gifford, said** "The preserve's population of Karner blues has grown from less than a thousand in 2007 to more than 15,000 in 2016." According to Gifford, "2016 was the 4th consecutive year that the preserve's Karner population exceeded the 3,000 butterfly minimum established in the 2003 federal Karner blue butterfly Recovery Plan." "Our wildlife data also show that Karner conservation has helped dozens of other pollinating insects, birds, reptiles and amphibians; it is the best indicator that our ecosystem restoration program is making a healthier Pine Bush."

The quarter-sized Karner blue butterfly was identified in the 1940s by novelist Vladimir Nabokov in the New York hamlet Karner. The USFWS estimates that when the species was protected as endangered 25 years ago, the rangewide population had declined by up to 99 percent. The butterfly depends on the wild lupine plant, which cannot tolerate shade.

# Town of Guilderland

DEPARTMENT OF WATER AND WASTEWATER

6011 STATE FARM RD.

GUILDERLAND, N.Y. 12084

PETER G. BARBER  
SUPERVISOR

(518) 456-6474  
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LYNNE BUCHANAN  
TOWN CLERK

TIMOTHY MCINTYRE  
SUPERINTENDENT

February 11, 2020

Crossgates Releaseco, LLC  
4 Clinton Square  
Syracuse, New York 13202

Re: Will serve, Rapp Road Residential/Western Avenue Mixed Use Redevelopment Project, Water/Sewer supply

Dear Mr. Soos,

This letter is being written to inform you that the Town of Guilderland has the capacity, and will provide water and sewer services for the as depicted in the DEIS Rapp Road Residential/Western Avenue Mixed Use Redevelopment Project. This is also contingent on the sewer being redirected to the Nott Road Waste Water Treatment Plant.

Thank you for your cooperation.

Respectfully Yours,



Timothy J. McIntyre, Superintendent

To help ensure that Karner blue butterflies persist into the future, the USFWS established 13 federal recovery units across the species' range, which also includes Wisconsin, Indiana, Michigan, Minnesota, New Hampshire and Ohio. Within each unit, the USFWS described the number and size of populations thought to be necessary for recovery. The Albany Pine Bush is one of three recovery areas in New York referred to as the Glacial Lake Albany Recovery Unit.

Recovery goals must be met in multiple areas in New York and in other states in order to delist the Karner blue butterfly. Conservation efforts continue in other areas in Saratoga and Warren counties.

#### **Background Information on the Pine Bush:**

The 3,300+ - acre Albany Pine Bush Preserve (APBP), located in New York's Capital District, protects one of the best remaining inland pitch-pine scrub oak barrens in the world. This extraordinary fire-dependent ecosystem provides habitat for many plants and animals and supports 76 New York State-designated wildlife Species of Greatest Conservation Need, including the endangered Karner blue butterfly. Since 1991, the acreage of suitable habitat has increased from 13 acres at 9 sites to more than 600 acres at 35 sites. The APBP is a National Natural Landmark, Hudson River Valley National Heritage Area Site, a New York State Unique Area, Bird Conservation Area and a National Audubon Society Important Bird Area. Characterized by rolling sand dunes and miles of trails, the APBP offers visitors many recreational opportunities including hiking, bird watching, cross-country skiing, horseback riding, mountain biking, hunting, fishing and canoeing. The Albany Pine Bush Preserve Commission is a public-private partnership created by the NYS Legislature in 1988 to protect and manage the APBP and provide the public with educational and recreational opportunities.

As the gateway to the Pine Bush, the Discovery Center is a state-of-the-art "green" certified interpretive center where visitors come to understand why the Pine Bush is rare and special. A visit to this unique destination is an exciting exploration where learning comes naturally through interactive exhibits, an outdoor Discovery Trail, and numerous programs on the ecology, natural history, cultural history and management of the Pine Bush. Admission to the Discovery Center is free (there is a small fee for programs). The Center is open daily weekdays 9am-4pm, weekends and most holidays 10am-4pm. For more information, visit the Albany Pine Bush website or call 518-456-0655.

## Shepardson, Thomas

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**From:** Gabriel, Trish M (DEC) <trish.gabriel@dec.ny.gov>  
**Sent:** Wednesday, July 10, 2019 4:49 PM  
**To:** Ken Kovalchik (kovalchikk@togny.org)  
**Cc:** Shepardson, Thomas; Parker, Karl (DEC); Neil Gifford (ngifford@albanypinebush.org); Clark, Michael D (DEC); Stephen Feeney; Christopher Hawver  
**Subject:** Additional Comments - Proposed Crossgates Rapp Rd Residential Development, Town of Guilderland

Ken,

On 4/22/19, the Department received the applicant's Response to Comments letter, which provided written responses to comments submitted during Lead Agency coordination (letter dated 3/8/19). The following provides additional comments on the Crossgates Rapp Road Residential Development Project:

- 1) The Department retrieved from the Town of Guilderland's website what is assumed to be the current project site plan, dated 7/2/19. Preliminary review of the plan indicates that the site plan still does not show the current boundaries of the portion of the Crossgates - Karner blue butterfly (Kbb) Management Area that exists within the project site. The Department requests that the site plan be revised to properly depict the Crossgates - Kbb Management Area. Once the site plan is revised, we request two full sized paper copies for our review. Based on a preliminary review of the 7/2/19 plan, it appears that the area proposed to be left undeveloped will provide a substantial buffer to the Crossgates - Kbb Management Area.
- 2) The applicant's Response to Comments letter received on 4/22/19 did not address staff's comments relating to the possibility of restoring previously developed (paved) areas and adding to the Management Area's natural buffer. The Department requests that potential restoration be thoroughly explored in the project's alternatives analysis. The Department also request a site plan that shows final proposed changes, if any, to the western portion of the Crossgates Mall parking lot to accommodate traffic from the proposed development.
- 3) The meaning of "effectively maintained" when referring to existing berms along western boundary of the project site has not been clearly explained, nor has a site and/or grading plan of this area been provided. The Department requests that this information be provided.
- 4) The Department has not yet received a copy of the ecological study of the property performed by B. Laing Associates. It was not included in the package sent to us by the Town of Guilderland during Lead Agency coordination. Department staff will review and comment on this report once it is received.
- 5) Based on the Department's preliminary review of an electronic copy of the site plan dated 7/2/19, the applicant still plans to plant white pine, which is not a desirable species in the Albany Pine Bush area. The Department requests that the applicant instead consider planting native pine bush species. Consultation with Albany Pine Bush staff to obtain a list of recommended species is recommended.
- 6) The proposal by Crossgates to convey the three parcels on the east side of Rapp Road is beneficial. The opportunities provided by transfer of these parcels are likely to provide much greater benefit for Kbb management efforts than what may be lost as a result of this project's

development. It should be noted, however, that one of the parcels is already partially encumbered as part of the defined Kbb Management Area.

Please let me know if you have any questions.

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**Trish Gabriel**

Environmental Analyst, Division of Environmental Permits

**New York State Department of Environmental Conservation**

1130 North Westcott Road, Schenectady, NY 12306

P: (518) 357-2445 | F: (518) 357-2460 | [trish.gabriel@dec.ny.gov](mailto:trish.gabriel@dec.ny.gov)

[www.dec.ny.gov](http://www.dec.ny.gov) |  | 

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 4

1130 North Westcott Road, Schenectady, NY 12306-2014

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Sent electronically to: [kovalchikk@togny.org](mailto:kovalchikk@togny.org)

March 8, 2019

Kenneth Kovalchik, AICP, Town Planner  
Town of Guilderland Planning Department  
Guilderland Town Hall  
5209 Western Turnpike, PO Box 339  
Guilderland, New York 12084

**RE: Lead Agency Coordination Response  
Rapp Road Residential Development  
Off Rapp Road – West of Crossgates Mall  
Town of Guilderland, Albany County**

Dear Mr. Kovalchik:

This letter responds to your correspondence received on February 12, 2019 regarding lead agency coordination for the project referenced herein, under Article 8 (State Environmental Quality Review – SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617. The New York State Department of Environmental Conservation (the Department) has the following interest in this project:

**Name of Action:** Proposed 222-Unit Residential Development  
**DEC Contact Person:** Trish Gabriel  
**SEQR Classification:**  Type I  Unlisted  Type II

**DEC Position:** Based on the information provided:

- DEC has no objection to your agency assuming lead agency status for this action.
- DEC wishes to assume lead agency status for this action.
- DEC needs additional information to respond (see comments).
- DEC cannot be lead agency because it has no jurisdiction in this action.

## **Potential DEC Permitting Requirements**

A review of NYS protected resources near or within the project site was performed using existing GIS data (see enclosed NYS Resources Map). Please note that jurisdictional maps are meant to provide approximate sizes and locations of resources. Actual field conditions may vary from

those depicted on the maps. The following provides a summary of potential State permitting requirements for the project, based information submitted with your correspondence.

### ***SPDES General Permit for Stormwater Discharges from Construction Activity***

The applicant must comply with the State Pollutant Discharge Elimination System (SPDES) Phase II regulations for Stormwater Discharges Associated with Construction Activities since it appears that this project will disturb one acre of land or more. Additional information about the SPDES Construction Stormwater Program can be found at <http://www.dec.ny.gov/chemical/43133.html>.

### **Additional Comments:**

The following general comments on the project are provided by the Department's Bureau of Wildlife staff:

1. The site plan provided does not show the current boundaries of the portion of the Crossgates - Karner blue butterfly (KBB) Management Area that exists within the project site. The site plan should be revised to properly depicted the Crossgates - KBB Management Area. It appears that the previously set-aside Crossgates - KBB Management Area falls entirely north of the proposed access road and bike path/pedestrian walkway (see enclosed Albany Pine Bush Map). The opportunity may exist to expand the existing Crossgates - KBB Management Area to incorporate the entire segment north of the project's access road.
2. Staff has concerns about the area shown on the site plan as "*potential future development*". Due to the proximity to the Crossgates - KBB Management Area, which is occupied by Karner blue butterfly (state-listed endangered) habitat, there are potential impacts that should be considered and evaluated as a whole from the outset of project review. To do otherwise would certainly appear to constitute project segmentation under SEQRA regulations.
3. The plan to connect to the Crossgates Mall Inner Loop Road will likely increase the amount of traffic using that road and will take that traffic along the south edge of the portion of the Crossgates - KBB Management Area situated on the east side of Rapp Road. Whether this would result in any impacts to that portion of the Management Area, or the Karner blue butterfly population at that location cannot be determined at this point but should be evaluated in the overall context of the project. The possibility of restoring previously developed (paved) areas and adding to the Management Area's natural buffer should be thoroughly explored as part of the project's alternatives analysis, which should include possible mitigation options to offset KBB population impacts that may result from the project.

4. On page 6 of the Site Plan Approval application is the statement that “*the buffering attributes of the existing berms that extends along the western boundary of the Site will be **effectively maintained** and...*”. The Department requests that the applicant clearly explain what is meant by “effectively maintained”, including a site and/or grading plan of this area.
5. On June 23, 2009 a dead eastern worm snake (Special Concern; Species of Greatest Conservation Need) was found on the pedestrian sidewalk just a short distance east of Rapp Road. (see photos attached). Eastern worm snakes had previously and subsequently been found at the east end of the powerline near Crossgates Mall. This species occurrence record suggests that eastern worm snakes may occur in a broader area at this general location than previously thought and raises the distinct possibility that they may occur on the west side of Rapp Road on the property currently proposed for development. Because of their secretive habits, eastern worm snakes may be more widely distributed than reflected in current herp atlas records, but little is known about them, and they have fairly restricted habitat preferences.
6. On page 7 of the Site Plan Approval application is a reference to an ecological study of the property performed by B. Laing Associates. It is not clear whether B. Laing Associates considered the potential presence of eastern worm snakes during their ecological study, though this firm was involved in eastern worm snake issues associated with a development at the eastern end of the powerline. The Department requests a copy of this study for staff review.
7. Eastern hog-nosed snakes (Special Concern; High Priority Species of Greatest Conservation Need) have also been found east of Rapp Road near the powerline, as well as west of Rapp Road on the Daughters of Sarah property (see attached photo near the eastern end of the KBB Management Area, near Crossgates, taken 7/1/09). Based on these documented occurrences, it is reasonable to suspect that this species may also occur on the project site. Therefore, the Department recommends that the applicant conduct surveys for eastern hog-nosed snakes on the project site in order to better evaluate potential impacts to the species.
8. Increased traffic on Rapp Road due to this proposed development may impact the ability of Karner blue butterflies to move across Rapp Road along the powerline. Page 9 of the application states that 20 percent of the traffic generated by the project will move to/from the north. This issue needs to be carefully considered and addressed.
9. The plant list provided on the site plan includes only two trees – white pine and scotch pine, neither of which are desirable in the Albany Pine Bush area. The Applicant should utilize native pine bush species for all plantings. The Department recommends the Applicant consult with Albany Pine Bush staff to obtain a list of recommended species.

Do not hesitate to contact me by telephone at (518) 357-2445 or by e-mail at [trish.gabriel@dec.ny.gov](mailto:trish.gabriel@dec.ny.gov) if you have any questions.

Sincerely,



Patricia M. Gabriel  
Environmental Analyst

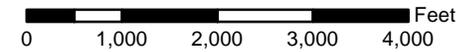
Encl: NYS Resources Map  
Albany Pine Bush Map

ecc: S. Feeney, Guilderland Town Planning Board Chair ([sfeeney001@nycap.rr.com](mailto:sfeeney001@nycap.rr.com))  
K. Parker, NYSDEC R4 BOW  
M. Clark, NYSDEC R4 BOW  
N. Gifford, APBPC Conservation Director  
C. Hawver, APBPC Executive Director

# NYS RESOURCES MAP

## RAPP ROAD RESIDENTIAL DEVELOPMENT CROSSGATES RELEASECO, LLC Off Rapp Road Town of Guilderland Albany County

March 6, 2019



1 inch equals 2,000 feet

### Legend

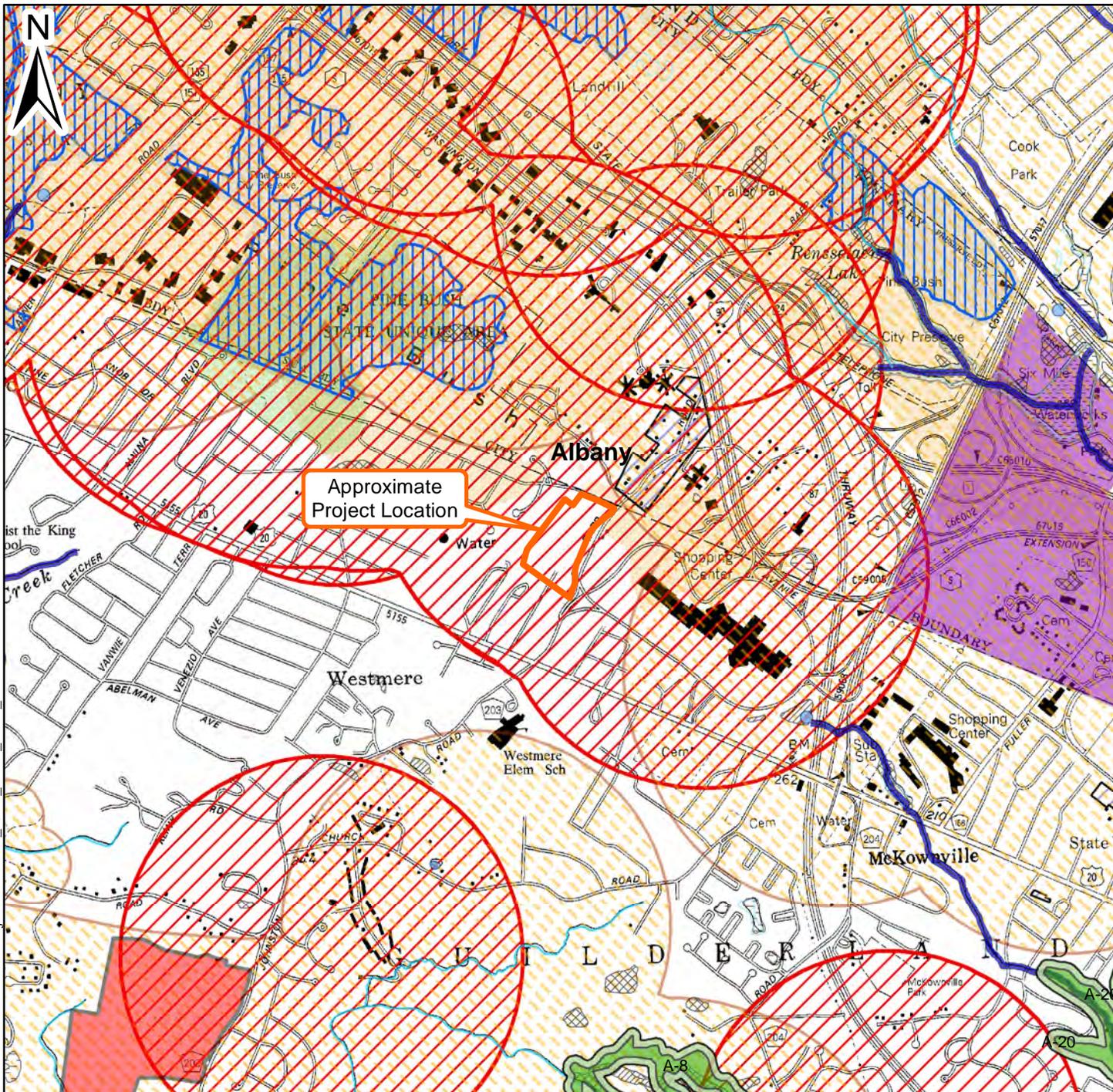
- Regulated Adjacent Area Boundary
- Deed Restrictions
- Protected Streams (C(t) and higher)
- Non-protected Streams (C and D)
- Water Quality Classifications (Polygon)

### National Wetlands Inventory

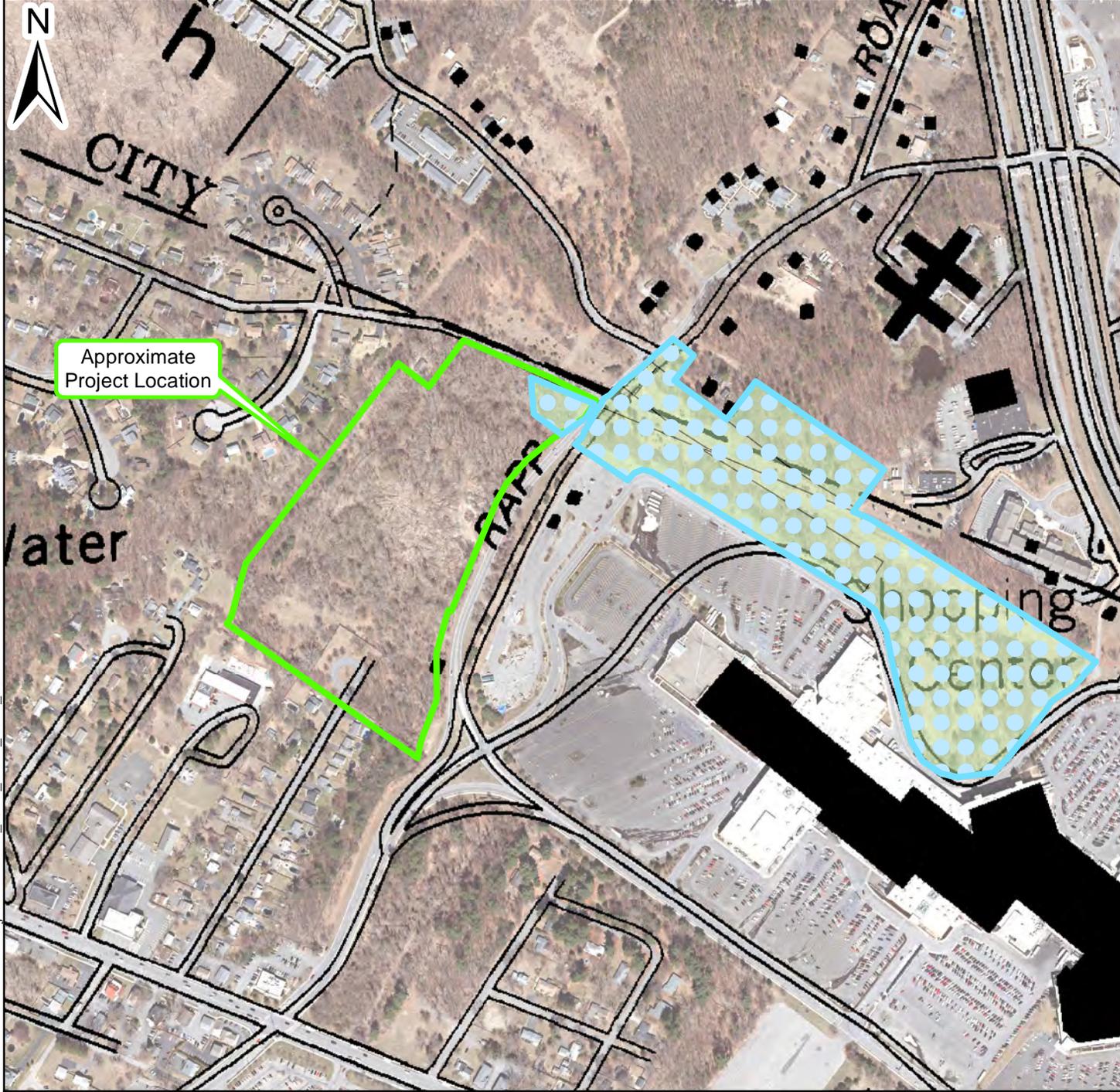
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other

### Other Resources

- Archaeologically Sensitive Area
- National/State Register Site
- State Historic Site or Historic Park
- Primary Aquifers
- Critical Environmental Areas
- Potential EJ area
- Scenic Areas of Statewide Significance
- State Park
- T&E (except fish)
- Freshwater Mussels
- Fish
- Wetland/Aquatic Community
- Upland/Terrestrial Community
- Animal Important Areas



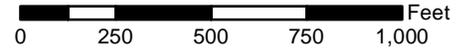
*Disclaimer: This map was prepared by Region 4 NYSDEC Division of Environmental Permits using the most current data available. It is deemed accurate but is not guaranteed. NYSDEC is not responsible for any inaccuracies in the data and does not necessarily endorse any interpretations or products derived from the data. This map may contain information that is considered sensitive and therefore the distribution of this map is strictly prohibited. Additional resources may be present but not depicted on this map.*



**NYS RESOURCES MAP**

**CROSSGATES MALL CO LP  
PROPOSED RAPP ROAD  
RESIDENTIAL DEVELOPMENT  
Off Rapp Rd / Crossgates Mall Rd  
Town of Guilderland  
Albany County**

December 12, 2018



1 inch equals 500 feet

**Legend**

 Crossgates\_KBB\_Preserve

Division of Environmental Permits Projection: NAD\_1983 UTM\_Zone\_18N



**Department of  
Environmental  
Conservation**

*Disclaimer: This map was prepared by Region 4 NYSDEC Division of Environmental Permits using the most current data available. It is deemed accurate but is not guaranteed. NYSDEC is not responsible for any inaccuracies in the data and does not necessarily endorse any interpretations or products derived from the data. This map may contain information that is considered sensitive and therefore the distribution of this map is strictly prohibited. Additional resources may be present but not depicted on this map.*



April 18, 2019

Ms. Laura Trivison (*via electronic mail only*)  
Senior Planner  
Albany County Planning Department  
112 State Street  
Albany, NY 12207

RE: 222 Unit Rapp Road Residential Development

Dear Ms. Trivison,

In anticipation of the April 18, 2019 Albany County Planning Board meeting I offer the following comments as a supplement to the Commission's January 25, 2019 letter regarding the Rapp Road Residential Development proposed in the Town of Guilderland.

Since January, Commission staff had have 3 productive meetings with the applicant, regarding methods of offsetting potentially negative impacts summarized in our earlier letter to the Town of Guilderland. As a result, it is our understanding the applicant is proposing the following:

- Voluntarily conveying three parcels in the City of Albany for addition to the Albany Pine Bush Preserve. These total 8.4 +/- acres (tax parcel #'s 52.02-1-16, 52.6-2-35 and 52.6-2-29.1) and are within Full Protection Area 62, identified in the 2010 Albany Pine Bush Management Plan and FEIS. Area 62 is recommended for addition to the preserve and is documented as supporting highly restorable pitch pine-scrub oak barrens and several rare wildlife species including the endangered Karner blue butterfly, NYS threatened frosted elfin butterfly, eastern hognose snake and several rare birds. Protecting Area 62, north of the Karner Blue Butterfly Preserve will improve the long-term conservation of the both the globally rare inland pine barrens ecosystem and these rare wildlife species.
- Enhanced education and outreach opportunities within and outside of Crossgates Mall including:
  - An indoor kiosk space for Albany Pine Bush-related exhibits and materials
  - An Albany Pine Bush-related wall mural to update and replace the current Karner blue butterfly display in the mall
  - Outdoor signage recognizing the Albany Pine Bush

The Commission anticipates that if these protection and education/outreach measures are employed, in addition to those already outlined, and/or proposed (e.g. traffic control on Rapp Road, 200 ft buffer to Gipp Rd.) as part of municipal approval for the proposed project, the most significant potentially adverse environmental impacts outlined in our January 25, 2019 letter may be avoided, and the loss of Partial Protection Area 57 mitigated.

I anticipate attending the 3:30PM Planning Board meeting, but if you have any questions or need additional information, please do not hesitate to contact me.

Thank you for considering our comments and recommendations.

Sincerely,



Neil A. Gifford  
Conservation Director  
Albany Pine Bush Preserve Commission

Encl: Southeast Pine Bush Context Map

cc: APBPC Technical Committee  
Mr. Keith Goertz, APBPC Chair – NYSDEC Region 4 Director  
Mr. Christopher A. Hawver, APBPC Executive Director  
Ms. Robyn Niver, Endangered Species Biologist, USFWS – NYS Field Office  
Ms. Kathy O'Brien, Endangered Species Biologist, NYSDEC  
Ms. Trisha Gabriel, NYSDEC Environmental Analyst – Region 4  
Mr. Michael Clark, Regional Wildlife Supervisor, NYSDEC-Region 4  
Mr. James Soos, Director of Development, Pyramid Management Group, LLC

Citations:

APBPC. 2017. Management Plan Update for the Albany Pine Bush Preserve. Albany, NY. ([www.albanypinebush.org](http://www.albanypinebush.org))



# Southeastern Pine Bush





January 25, 2019

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

RE: 222 Unit Rapp Road Residential Development

Dear Mr. Kovalchik,

Thank you for providing the Albany Pine Bush Preserve Commission (APBPC) with a copy of the Site Plan Application 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 initial concept for this site at the committee's January 15, 2019 meeting. The comments provided below are a result of that meeting and the application materials provided.

The APB supports the world's best remaining example of an inland pitch pine-scrub oak barrens, 76 wildlife Species of Greatest Conservation Need (SGCN), including the federal and state endangered Karner blue butterfly (Kbb) and state threatened frosted elfin butterfly, the largest inland sand dune system in eastern North America and 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. Coordinating the review of development proposals within the Albany Pine Bush Preserve (APBP) Study Area is therefore 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.

The Technical Committee indicated several concerns and recommendations regarding the potential short and long-term adverse environmental impacts associated with the proposed site plan concept, including:

Protection: The proposal is located within the APB Study Area, described in the 2017 Management Plan Update for the APBP and, as proposed, would result in the irreversible loss of the ability to protect and manage 19.68 acres that are recommended for partial protection (Area 57) as part of the APBP.

State Environmental Quality Review Act (SEQR): The application exceeds several SEQR Type 1 thresholds, and is likely to have a significant adverse impact on the environment, impacts that should be thoroughly evaluated within a Draft Environmental Impact Statement (DEIS) consistent with the hard look required by 6 NYCRR Part 617.

Full Environmental Assessment Form (FEAF): The SEQR FEAF provided by the applicant included several errors and omissions. According to the New York State Department of Environmental Conservation (NYSDEC) EAF Mapper (<http://www.dec.ny.gov/eafmapper/>) the following items require correction and in several cases follow-up on-site evaluation by a qualified biologist in consultation with the NYSDEC and US Fish and Wildlife Service (USFWS).

Specifically, correct FEAF items:

- C.2.b. Yes – the site is within a NYS Heritage Areas: Mohawk Valley Heritage Corridor
- E.2.i. Yes – the site is located over a principal aquifer
- E.2.n. Yes – the site likely contains a portion of Pitch Pine-Scrub Oak Barrens; 210.97 acres
- E.2.o. Yes – the site likely contains Karner blue butterfly and frosted elfin (a portion of the site is within the Karner Blue Butterfly Preserve and immediately adjacent to known occurrences of both species).
- E.2.p. Yes – the site is likely to contain several NYS rare species or species listed as special concern including, but not limited to the eastern hognose snake, worm snake, eastern spadefoot, fowlers toad, eastern whip-poor-will, Cooper’s hawk, sharp-shinned hawk, inland barrens buckmoth, and mottled duskywing skipper.
- E.3.c. Yes – the site is substantially contiguous to a designated National Natural Landmark - APB, Acres: 3165.255038
- D.1.b.b. – Physical disturbance ~10.5 acres; P. 9. E.1.b shows a loss of 11.64 acres of forest.

In addition, the applicant should note that a State Historic Preservation Office Section 14.09 review is required for this project.

Preserve Management: The proposed residential complex is likely to have potentially adverse impacts on the APBPC’s ability to manage adjacent protected lands as outlined in the 2017 Management Plan Update for the APBP (APBPC 2017). The project is likely to have similar potentially negative impacts on the NYSDEC’s ability to manage the Karner Blue Hill Preserve pursuant to NYSDEC Permit #4-0130-00007/0002, issued December 10, 1996 (See map below). The site of the proposed residential complex includes a portion of the Karner Blue Butterfly Preserve, owned by the applicant and managed by the NYSDEC in consultation with the APBPC. Accordingly, the SEQR review of this project should accurately identify and evaluate the potential direct, indirect, short and long-term cumulative impacts

of the above referenced project to rare, threatened and endangered species and their habitats. These potential impacts should be part of the SEQR coordinated review and DEIS scoping. Consultation with NYSDEC and the U.S. Fish and Wildlife Service is requisite to determining the extent to which the site is occupied by listed species.

Traffic: A coordinated SEQR review should also provide the necessary hard look at how potential changes in traffic volume and timing on Rapp Road, may affect the ability of rare wildlife to disperse. The City of Albany, The Nature Conservancy (TNC) and Albany County have all helped protect considerable acreage on the West Side of Rapp Road that provides a critical linkage between the Karner Blue Butterfly Hill Preserve and APBP lands to the west. Successful dispersal between these properties, however, is highly contingent upon these species successfully crossing Rapp Road. Studies of Kbb and spotted turtle movement and dispersal patterns along Albany County Route 155 illustrate that traffic volume plays a significant role in impeding wildlife dispersal across roads. When combined with potential direct impacts to wildlife habitat, the impact of increased traffic on Rapp Road may be significant and further reduce the APBPC's and NYSDEC's ability to successfully manage these rare wildlife populations.

Mitigation: Once all potentially adverse impacts are fully-vetted through a coordinated review the applicant should lastly identify and evaluate all appropriate measures to avoid, minimize and mitigate those impacts.

Interested and Involved Agencies: Since federal and state endangered and threatened species and storm water management permits (or permit modifications) are likely required for this project, please include the USFWS and NYSDEC as involved agencies and the City of Albany, Albany County and the APBPC as interested agencies in SEQR-related coordinated review of the project.

Alternatives: Whether in a DEIS or other appropriate vehicle, a SEQR coordinated review should include an evaluation of development alternatives and associated potential environmental impacts including reduced footprint and no-build alternatives.

In conclusion, the conceptual proposal for this project is likely to result in significant direct and indirect short and long-term adverse effects on the environment and the APBPC's ability to create and manage a viable preserve as described in ECL Article 46 and the 2017 Management Plan Update for the APBP, and the long term potential viability of the species that exist within it. As such, it appears appropriate to issue a positive declaration under SEQR for this proposal and request/require that the applicant prepare a DEIS, consistent with 6NYCRR Part 617.7. The APBPC applauds the Town of Guilderland's long-standing support for creating and managing a viable preserve and for its efforts to balance conservation and economic development throughout the Town. The APBPC looks forward to continuing that tradition with this proposal. Thank you for your consideration of 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

Encl: Southeast Pine Bush Context Map

cc: APBPC Technical Committee  
Mr. Keith Goertz, APBPC Chair – NYSDEC Region 4 Director  
Mr. Christopher A. Hawver, APBPC Executive Director  
Ms. Robyn Niver, Endangered Species Biologist, USFWS – NYS Field Office  
Ms. Kathy O'Brien, Endangered Species Biologist, NYSDEC  
Ms. Trisha 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](http://www.albanypinebush.org))



# Southeastern Pine Bush





October 7, 2019

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

RE: 222 Unit Rapp Road Residential Development – Rapp Rd Bypass Proposal

Dear Mr. Kovalchik,

Thank you for providing the Albany Pine Bush Preserve Commission (APBPC) with a copy of the City of Albany Department of Planning and Development's September 16, 2019 draft scope comments, and associated conceptual renderings of a Rapp Road Bypass, 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 reviewed the materials at its October 1, 2019 meeting. The comments provided below are a result of that meeting and the materials provided.

The APB supports the world's best remaining example of an inland pitch pine-scrub oak barrens, 78 wildlife Species of Greatest Conservation Need (SGCN), including the federal and state endangered Karner blue butterfly (Kbb) and state threatened frosted elfin butterfly (FE), the largest inland sand dune system in eastern North America and 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. Coordinating the review of development proposals within the Albany Pine Bush Preserve (APBP) Study Area is therefore 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>), the Town of Guilderland Comprehensive Plan and the Albany 2030 Comprehensive Plan.

The Technical Committee indicated several concerns and recommendations regarding the potential short and long-term adverse environmental impacts associated with the proposed Rapp Road Bypass, including:

Protection: The proposal is located within the APB Study Area, described in the 2017 Management Plan Update for the APBP and, as proposed, would result in the irreversible loss of a significant portion of an area not only recommended for Full Protection (Area 62), but also previously committed by the applicant as part of a series of actions designed to minimize and mitigate potentially significant adverse impacts of their initial proposal on the APBPC's ability to create and maintain a viable Pine Bush Preserve. As such, the proposed Bypass is inconsistent with ECL Article 46 and the 2017 Management Plan Update for the APBP.

The proposed Rapp Road Bypass also appears incompatible with natural resource protection strategies described in the Albany 2030 Comprehensive Plan. Specifically:

*"NH-1 Work with the Albany Pine Bush Commission to support and implement the recommendations of the 2010 Management Plan/ Final Environmental Impact Statement for the Albany Pine Bush Preserve."*

And

*"NH-1 e. Support the recommendations for areas designated for full protection, partial protection, and open space. Work with the APB Commission, county, and towns to review development proposals for property within these areas to ensure that development will not have a direct adverse impact on the Albany Pine Bush Preserve."*

State Environmental Quality Review Act (SEQR): The Technical Committee noted that the proposed Bypass introduces additional potentially significant adverse environmental impacts that, itself, exceed the potential impacts of the initial Rapp Road Residential development proposal. These additional impacts, exceed several SEQR Type 1 thresholds and are likely to have a significant adverse impact on the environment, and should therefore be thoroughly evaluated within a Draft Environmental Impact Statement (DEIS) consistent with the hard look required by 6 NYCRR Part 617.

Those likely impacts include, but are not necessarily limited to,

- Irreversible loss of areas recommended for protection (Full Protection Area 62) as part of the Albany Pine Bush Preserve.
- Loss of highly restorable inland pitch pine-scrub oak barrens. Unlike the proposed site of the residential development (Partial Protection Area 57), Full Protection Area 62 supports existing, but fire-suppressed, inland pitch pine-scrub oak barrens. Restoring the area to quality inland barrens is highly feasible if the lands are protected.
- Alteration of a historic sand dune. The proposed Bypass traverses a large dune and would likely result in significant excavation. The 2014 National Natural Landmark designation indicated that the Pine Bush protects the largest remaining area of inland sand dunes in the eastern United States.
- Direct, indirect and cumulative impacts on wildlife species listed as threatened and endangered with extinction, including the Karner blue butterfly and frosted elfin butterfly, through habitat loss and fragmentation. Both species are known to

already inhabit Full Protection Area 62. Consultation with New York State Department of Environmental Conservation (NYSDEC) and the U.S. Fish and Wildlife Service (USFWS) is requisite to determining the extent to which the site is occupied by listed species.

- Direct, indirect and cumulative impacts on multiple NYS listed SGCN wildlife, including rare birds, reptiles and important pollinators (butterflies, moths, and bees), through habitat loss and fragmentation. In particular, the proposed Bypass, would likely result in increased traffic volume and therefore further worsen, rather than improve, the ability of wildlife to successfully cross Rapp Road and move between preserve properties.

Preserve Management: The proposed Bypass is likely to have potentially adverse impacts on the APBPC's ability to manage adjacent protected lands as outlined in the 2017 Management Plan Update for the APBP (APBPC 2017). The project is likely to have similar potentially negative impacts on the NYSDEC's ability to manage the Karner Blue Butterfly Preserve pursuant to NYSDEC Permit #4-0130-00007/0002, issued December 10, 1996. The site of the proposed Bypass is adjacent to existing preserve and the Karner Blue Butterfly Preserve, owned by the applicant and managed by the NYSDEC in consultation with the APBPC.

Traffic: A coordinated SEQR review should also provide the necessary hard look at how potential changes in traffic volume resulting from the proposed Bypass, may affect the ability of rare wildlife to disperse between protected properties. The City of Albany, The Nature Conservancy (TNC), The Town of Guilderland, Albany County and the applicant have all cooperatively protected considerable habitat on both sides of Rapp Road that help provide a critical linkage between the Karner Blue Butterfly Preserve and APBP. Successful dispersal between these properties, however, is highly contingent upon these species successfully crossing Rapp Road. Studies of Kbb and spotted turtle movement and dispersal patterns along Albany County Route 155, for example, illustrate that traffic volume plays a significant role in impeding wildlife dispersal across roads. When combined with potential direct impacts to wildlife habitat, the impact of increased traffic on Rapp Road, as a result of the Bypass, is likely significant and will further reduce the APBPC's and NYSDEC's ability to successfully manage these rare wildlife populations.

The Technical Committee recommends fully evaluating alternative traffic mitigation measures, including those previously proposed by the applicant, which can reduce both traffic volume and speed along Rapp Road between protected properties, to reduce rather than exacerbate existing and anticipated impacts of traffic on wildlife moving between protected properties. Technical Committee members noted that encouraging use of the Crossgates Mall Ring Road would reduce wildlife-related traffic impacts on Rapp Road and be more consistent with the Transit Oriented District, by channeling traffic to the larger highways better capable of managing the volume.

Mitigation: Since the proposed Rapp Road Bypass would likely result in additional significant adverse impacts on the environment and the APBPC's ability to create and manage a viable preserve, consistent with ECL Article 46 and the 2017 Management Plan Update for the

Albany Pine Bush Preserve, mitigation in addition to that already proposed should be identified as part of the DEIS alternatives analysis. In addition to the mitigation already proposed by the applicant, if additional opportunities for open space protection are not viable in this part of the APB Study Area, we recommend mitigation in the form of habitat or fees sufficient to protect 2 acres of open space elsewhere in the APB Study Area, for every acre lost in Full Protection Area 62.

Interested and Involved Agencies: Since federal and state endangered and threatened species and storm water management permits (or permit modifications) are likely required for this project, please include the USFWS and NYSDEC as involved agencies and the City of Albany, Albany County and the APBPC as interested agencies in SEQR-related coordinated review of the project.

Alternatives: A SEQR coordinated review should include an evaluation of development and associated potential environmental impacts and mitigation alternatives including reduced footprint and no-build alternatives.

In conclusion, the additional Rapp Road Bypass proposed by the City of Albany Department of Planning and Economic Development is likely to result in significant additional direct and indirect short and long-term adverse effects on the environment and the APBPC's ability to create and manage a viable preserve, as described in ECL Article 46 and the 2017 Management Plan Update for the APBP, and the long term potential viability of the many rare and endangered species that exist within it. As such, these additional impacts and commensurate additional mitigation measures should be fully evaluated, either as part of the Rapp Road Residential Development DEIS process, or by initiating a separate SEQRA Type I analysis.

The APBPC appreciates the Town of Guilderland's long-standing support for creating and managing a viable preserve and for its efforts to balance conservation and economic development throughout the Town. We look forward to continuing that tradition with this proposal. Thank you for your consideration of 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

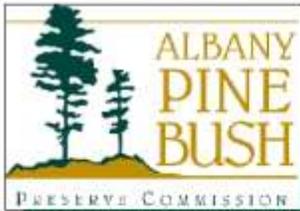
Encl: Southeast Pine Bush Context Map

cc: APBPC Technical Committee  
Mr. Keith Goertz, APBPC Chair – NYSDEC Region 4 Director

Mr. Christopher A. Hawver, APBPC Executive Director  
Ms. Robyn Niver, Endangered Species Biologist, USFWS – NYS Field Office  
Ms. Kathy O’Brien, Endangered Species Biologist, NYSDEC  
Ms. Trisha 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](http://www.albanypinebush.org))



# Southeastern Pine Bush





**Parks, Recreation  
and Historic Preservation**

**ANDREW M. CUOMO**  
Governor

**ERIK KULLESEID**  
Acting Commissioner

June 14, 2019

Stephen J. Feeney  
Chairman Town Planning Board  
Town of Guilderland  
5209 Western Turnpike  
Guilderland, NY 12084  
(via email)

Re: SEQRA/DEC  
Rapp Road Development, LLC/New Apartment Complex/Townhomes  
Rapp Road, Guilderland, Albany County  
19PR01578

Dear Chairman Feeney:

Our office is in receipt of the revise site plan for this project, dated March 19, 2019. The updated plan depicts the closure of a portion of Rapp Road between Gipp Road the proposed development's north access drive as part of the new design.

After reviewing this plan and speaking with historic district community members, our office found that the option of a road closure was a significant and positive step to protect the historic district from increasing traffic. We do understand that there are several variations of this plan being evaluated that would include consideration of impacts to residents of both Gipp Road and Pine Lane. We also note that the section of Rapp Road between Gipp Road and Pine Lane are within the boundary of the City of Albany.

Please be aware that our office would consider any proposal that will close Rapp Road south of Pine Lane to have a significant beneficial impact on the historic district.

If I can be of any further assistance, I can be reached at [john.bonafide@parks.ny.gov](mailto:john.bonafide@parks.ny.gov) or (518) 268-2166.

Sincerely,

John A. Bonafide  
Director,  
Technical Preservation Services Bureau  
Agency Historic Preservation Officer

cc: Kenneth Kovalchik, Town Planner (via email)  
Dominic Rigosu, Albany Co. Planning Chair (via email)  
Charles Vandrei, DEC APO (via email)  
Beverly Basquez (via email)  
Zach Powell, Albany DPD (via email)



## Parks, Recreation and Historic Preservation

**ANDREW M. CUOMO**  
Governor

**ERIK KULLESEID**  
Acting Commissioner

April 3, 2019

Dominic Rigosu, A.I.A.  
Chair, Albany County Planning Board  
Albany County Department of Public Works  
449 New Salem Road  
Voorheesville 12186  
(via email)

Re: SEQRA/DEC  
Rapp Road Development, LLC/New Apartment Complex/Townhomes  
Rapp Road, Guilderland, Albany County  
19PR01578/APB Case #10-190203221

Dear Mr. Rigosu:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). As you know, our office provided the attached letter to the Town of Guilderland Planning Office on March 11 as part of their SEQR review.

Since that time, I have spoken with members of the Rapp Road community regarding concerns relating to existing and future traffic congestion in the National Register listed historic district.

The district was designated to the Nation's list of properties worthy of preservation in 2002. This distinction was based on the unique history associated with this important neighborhood, which evolved out of the Great Migration of the early 20<sup>th</sup> century. The neighborhood was the product of sharecroppers from Shubuta, Mississippi who were relocated to New York by Rev. Louis W. Parson. Originally settled in the city of Albany near Rev. Parson's church, the community found urban life difficult and unfamiliar to their predominantly rural agrarian experience in the South. Thus, the community relocated to what at the time was an isolated rural pine barren west of the city. What they established there replicated more closely the rural lifeways that these first settlers were accustomed to. The homes and community buildings they erected, the seemingly random layout of the land and lots along the narrow and then rural Rapp Road remains evident today in the historic district. This unchanged setting within the district remains a highly significant part of the historic integrity of this listed district.

At the time of the designation this setting had been somewhat compromised by the construction of Crossgates Shopping Mall in the 1980s and to a lesser extent the Daughters of Sarah Nursing Home complex. The addition of the Atria and the expansions at Crossgates Commons have also impacted the physical setting of the district. Today mature vegetation and open space setbacks still largely buffer the core of the Historic District from these modern visual intrusions. However, the traffic associated with these developments continues to increase and to directly affect the historic district.

Per the regulations that guide the New York State Historic Preservation Law (NYPRHPL §14.09), an adverse impact on a listed historic property is found when a project is likely to cause the "introduction of visual, audible or atmospheric elements which are out of character with the property or alter its setting." (9 NYCRR Part 428.7(a)(3)) Such impacts can also be cumulative

in nature, growing and evolving over time until they reach a point where they jeopardize the historic character of a place.

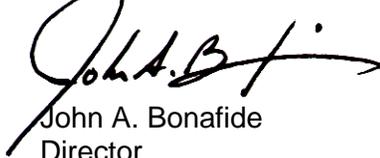
In speaking with community members, it has become clear that the relentless traffic associated with the steady commercial growth now surrounding the Rapp Road Historic District has reached a level of adverse impact. The use of this intact and evocative section of Rapp Road by commuters and shoppers as a short-cut is now having a profound, direct and negative impact on the serene rural qualities that the first settlers sought as their refuge from the city of Albany.

In reevaluating our comments to the Guilderland Planning Board, we now recommend that the potential cumulative traffic impacts from this newly proposed development be fully assessed. This evaluation should look at the expanded traffic counts anticipated with the proposed high-density housing project. We also strongly recommend that the existing high volume of non-local residential traffic that floods this unique and historic neighborhood be addressed and dramatically reduced through all methods available.

By way of this letter, we are alerting the New York State Department of Environmental Conservation that any Section 14.09 review conducted for this undertaking will require a significantly more rigorous assessment of traffic impacts to the Rapp Road District. This letter is also being submitted to the Town of Guilderland as an update to our previous SEQR comments.

If I can be of any further assistance, I can be reached at [john.bonafide@parks.ny.gov](mailto:john.bonafide@parks.ny.gov) or (518) 268-2166.

Sincerely,



John A. Bonafide  
Director,  
Technical Preservation Services Bureau  
Agency Historic Preservation Officer

cc: Kenneth Kovalchik, Guilderland Town Planner *(via email)*  
Ms. Beverly Basquez *(via email)*  
Charles E. Vandrei, NYSDEC *(via email)*

att: March 11, 2019 letter-NYSHPO to Town of Guilderland



**Parks, Recreation  
and Historic Preservation**

**ANDREW M. CUOMO**  
Governor

**ERIK KULLESEID**  
Acting Commissioner

March 11, 2019

Kenneth Kovalchik  
Town Planner  
Town of Guilderland  
PO Box 339  
Guilderland, NY 12084-0339  
*(via email)*

Re: SEQRA/DEC  
Proposed Rapp Road Apartments/Townhomes/New Construction  
Gipp and Rapp Roads, Guilderland, Albany County  
19PR01578

Dear Mr. Kovalchik:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP) as part of your SEQRA process. These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Our office has assessed both the archaeological and historical impacts that might be associated with this action. Based upon this review, it is the OPRHP's opinion that the project, as submitted, will not impact cultural resources in or eligible for inclusion in the State and National Register of Historic Places.

If I can be of any further assistance, I can be reached at [john.bonafide@parks.ny.gov](mailto:john.bonafide@parks.ny.gov) or (518) 268-2166.

Sincerely,

John A. Bonafide  
Director,  
Technical Preservation Services Bureau  
Agency Historic Preservation Officer



**ALBANY COUNTY PLANNING BOARD**  
**NOTIFICATION**

**RECOMMENDATION DATE: May 13, 2019**

**Case #:** **10-190503221**  
**Applicant:** **Rapp Road Development**  
**Project Location:** Rapp Road and Gipp Road  
**Tax Map Number:** 52.01-3-5.1, 52.01-3-4.1, 52.01-3-4.2, 52.01-3-3,  
**Referring Agency:** Town of Guilderland Planning Board  
**Considerations:** Subdivision site plan review for 222 Units in 2 (five story) buildings. Current proposal includes dead-ending (to automobiles) Rapp Road at the Gipp Road intersection to mitigate traffic concerns. ACPB reviewed this case in March and April 2019

**ACPB**  
**Recommendation:** Disapprove Without Prejudice

1. The proposed project is in a Transit Oriented District (TOD) zone. A TOD tries to “support and incentivize development that adequately protects nearby residential neighborhoods and utilizes resources within and near the TOD’s (including) direct vehicle access to the interstate highway system and a nearby local business community.” The proposed project fails to comply with the stated goals of TOD in multiple ways:

- a. The proposed obstruction of traffic at Gipp Rd. cuts off access to the highway system and business community and is a deviation of typical TOD traffic calming measures.
- b. The proposed project is not appropriately concentrated near existing mass-transit.
- c. The proposed project does not adequately protect the character of historical and non-historical adjacent neighborhoods.
- d. The proposal does not sufficiently address the preservation of bicycle and pedestrian traffic through a dead end.
- e. The proposed project drastically exceeds the total number of parking spaces required by Town of Guilderland Zoning requirements.

2. The solution to dead-end Rapp Road at Gipp Road is problematic:

- a. An approved emergency access plan for both municipalities should be submitted with the application.
- b. Further traffic studies are needed. It is unclear which percentage of traffic will be diverted to Gipp, and which to the Crossgates Ring Road.
- c. The Albany County Planning Board agrees that traffic deterrent initiatives are vital in preserving The Rapp Road Historical District. However, it remains unclear if dead-ending the Road at Gipp will result in less traffic through the Historic District.

3. New York State General Municipal Law §96-a. Protection of historical places, buildings, and works of art states:

*“In addition to any power or authority of a municipal corporation to regulate by planning or zoning laws and regulations or by local laws*

*and regulations, the governing board or local legislative body of any county, city, town, or village is empowered to provide by regulation special conditions and restrictions for the protection, enhancement, perpetuation, and use of places, districts, sites, buildings, structures, works of art, and other objects having a special character or special historical or aesthetic interest or value. Such regulations, special conditions and restrictions may include appropriate and reasonable control of the use or appearance of neighboring private property within public view, or both. “*

4. The Rapp Road district was designated to the Nation’s list of properties worthy of preservation in 2002. The Director of New York State’s Technical Preservation Bureau within the State Historic Preservation Office, has advised that the impact of traffic and high density development as having an adverse impact on the historical preservation of the Rapp Road historical community.

5. The origin of the Historical Rapp Road community is an African American community that migrated from Shubuta, Mississippi during the Great Migration. The community is singular in the Albany County in its living presentation of the agrarian lifestyle that remained intact through a community’s chain migration to the north and the subsequent five generations. Multiple decedent families from the original property owners still live on Rapp Road. The Great Migration was the largest migration of United States citizens in American History that culminated in the mass urbanization of most of the migrants. The historical Rapp Road community provides an alternate and unique oral and living history that is increasingly hard to maintain as development and density continues to encroach.

6. Two 5 story buildings, with +/- 4,300 of ground floor commercial space are antithetical to the community character that currently exist along Rapp Road now. The degree of difference in height and density between the proposed development and existing residential development with frontage on Rapp Road is significant.

7. Sections C.2.b., E.2.n., E.2.0, E.2.p., E.3.c, E.3.h, and D.1.b.b. on the Full Environmental Assessment Form is incorrectly filled out and provides inaccurate information.

9. The application should include the results of a coordinated SEQR review, including a DEIS.

**Advisory:**

---

Laura Trivison, Senior Planner  
Albany County Planning Board

**NOTE:**

- This recommendation is rendered in compliance with applicable requirements of Section 239 of New York State General Municipal Law. Final determination on this matter rests with the appropriate municipal body.
- A recommendation of “APPROVE” or “MODIFY LOCAL APPROVAL” should not be interpreted as a recommendation by this body that the referring agency approve the matter referred. Such recommendation does not indicate that this body has reviewed all local concerns; rather the referral has met certain countywide considerations. Evaluation of local criteria is the responsibility of the referring agency.
- General Municipal Law Section 239 requires that the local agency notify the county within thirty days of its final action. Please use the OFFICIAL NOTICE OF LOCAL ACTION form that is attached for this purpose.
- General Municipal Law Section 239 sets forth the procedural requirements for taking local action contrary to the County Planning Board’s recommendation of objection or conditional approval.
- Albany County is required to submit a Municipal Separate Storm Sewer System Permit (MS4) (No. GP-0-10-002) Notice of Intent (NOI) to comply with the NYS DEC permit for the control of wastewater and stormwater discharges in accordance with the Clean Water Act. Construction Activity Permit No. GP-0-1-001 issued by NYSDEC is also required for activity with soil disturbances of one acre or more. The law is required by the Clean Water Act to control point source discharges to ground water as well as surface waters.

**449 New Salem Road, Voorheesville, NY 12186**  
**TELEPHONE: (518) 447-5644/FAX: (518) 765-3459**

In compliance with Article 12-B, Section 239 of New York State General Municipal Law, this serves as official notification to the Albany County Planning Board of the action taken on the application described above.

**LOCAL ACTION ON ACPB RECOMMENDATION:**

- AGREED WITH COUNTY PLANNING BOARD RECOMMENDATIONS TO MODIFY OR DISAPPROVE
- OVER-RULED COUNTY PLANNING BOARD RECOMMENDATIONS TO MODIFY OR DISAPPROVE

**LOCAL DECISION ON PROJECT:**

- PROJECT APPROVED
- PROJECT DISAPPROVED

VOTE RECORDED: \_\_\_\_\_ DATE OF LOCAL ACTION: \_\_\_\_\_

**Set forth the reasons for any action contrary to the ACPB recommendations (use additional sheets if needed):**

SIGNED: \_\_\_\_\_ TITLE: \_\_\_\_\_



July 2, 2019

Kenneth Kovalchik, AICP, Town Planner  
Town of Guilderland Planning Department  
Guilderland Town Hall  
5209 Western Turnpike, PO Box 339  
Guilderland, New York 12084

**RE: SEQRA Coordination Response, Rapp Road Residential Development**

Dear Mr. Kovalchik,

Thank you for providing the opportunity for the City of Albany to comment on this project.

The Rapp Road Apartments project proposes construction of 222 residential dwelling units and 4,300 square feet of commercial floor space over 5 buildings on 19.68 acres. The applicant, Rapp Road Development, LLC, has applied subject to the Transit Oriented Development (TOD) Overlay District adopted by the Town as a part of its zoning regulations in 2018.

The TOD zoning application is an outgrowth of the Westmere Corridor Study of 2016. The City of Albany compliments the Town of Guilderland on its encouragement of Transit Oriented Development (TOD) and the integration of an Overlay District into its local zoning code. However, the Rapp Road Apartments project has brought to our attention some issues that the Town may want to consider as an impetus to refine the rules applicable to the district.

We believe that the overlay district's application may be overly broad by nature in its inclusion of approximately 220 acres of land within the overlay district boundaries. This broad application does not seem to effectively target desired mixed-use and high density development in a practical proximity to existing and proposed transit services within the area - where it will have the greatest potential for satisfying the overall goals and intent of the TOD district.

For example, the proposed development site is among the most distant locations within the overlay zone district from the proposed CDTA transit center, which acted as the impetus for the overlay district. Not surprisingly, the proposed development is to be accompanied by 405 additional parking spaces.

Furthermore, despite the fact that approximately 70 of the +/- 220-acres that constitute the Transit Oriented Development Overlay District are currently improved as surface parking areas, the subject development is proposed to occur on one of the only remaining undeveloped green areas within the district.

The project application provides no assessment of how the development fits in to the overall phasing and buildout of the overlay district. The fact that much of the land within the district is under common ownership makes strategic planning all the more appropriate. The City believes that there are better locations within the overlay district boundaries where the applicant can more appropriately apply the scale and density of development that is proposed here in a manner that is more consistent with the goals of transit-oriented development. The Town should consider directing the applicant to consider the same.

It is worth noting that the development does not have the benefit of a Generic Environmental Impact Study (GEIS) having been completed in conjunction with the adoption of the TOD Overlay District. Accordingly, the record is absent any

credible assessment of the cumulative impact of what are likely to be several, large scale mixed-use development projects within the immediate area. This raises the potential for segmentation as further build-out is proposed. A cursory application of the density allowances under the TOD indicates the potential for more than 3,500 residential dwelling units to be constructed over the 220-acre zone, not including associated commercial uses.

As further development is clearly anticipated beyond that currently being evaluated in the Environmental Assessment Form (EAF) supplied within the application, we believe this to be in conflict with the purpose and intent of the SEQRA regulations. Pursuant to 6 CRR-NY 617.2, segmentation is defined as the division of the environmental review of an action so that various activities or stages are addressed as though they were independent, unrelated activities needing individual determinations of significance. Except in special circumstances, considering only a part, or segment, of an overall action is contrary to the intent of SEQR.

This application is of particular interest to the City of Albany because of its potential to impact traffic volumes and quality of life in adjacent City neighborhoods. Among the most directly affected neighborhoods is the Rapp Road Historic District, a rare example of a rural African American chain-migration community that is still intact and flourishing. The nature of the existing roadways and circulation patterns proximate to the project site complicates the resolution of these issues, particularly in light of current and anticipated development proposals.

The Town has been responsive in engaging the City and the applicant in dialogue on these issues, and we believe that all parties recognize the need for mitigation. While several potential mitigation options have been proposed, each presents practical difficulties that have yet to be resolved. Some of the proposals have been discussed only casually with limited analysis of their implications. We are also of the belief that additional options may exist that have not yet been given due consideration. These options may not only present the best balance for all affected stakeholders but may be more effective long term solutions to the cumulative impacts bound to results from the larger buildout of the Transit Oriented Development Overlay District.

The current proposed mitigation alternative as depicted on the most recent site plan drawings includes the closure of a portion of Rapp Road west of Gipp Road within the Town of Guilderland. While this closure would likely result in a favorable correction of traffic volumes in some areas, particularly the Rapp Road Historic District community, ancillary impacts upon quality of life, emergency service provisions, and area commerce have not been sufficiently studied. Additionally, any benefit of this closure could be easily negated by any proposed future connection between the project site and nearby Gipp Road.

In conclusion, we encourage the Town of Guilderland Planning Board to issue a Positive Declaration pursuant to SEQRA and direct the applicant to prepare an Environmental Impact Statement with an emphasis on exploring the anticipated traffic implications and alternative mitigation scenarios which can be identified based upon a discussion with affected stakeholders. We also greatly encourage the Town to require that the applicant present the entirety of its buildout of the area so that the full extent of its consequences and impacts can be viewed in the appropriate context.

Sincerely,



Bradley Glass  
Director of Planning

To: Guilderland Planning Board

From: Guilderland Conservation Advisory Council

Date: December 31, 2018

Re.: Rapp Road Residential Development

APPLICATION: Applicant: Rapp Road Development, LLC, 4 Clinton Square, Syracuse, NY 13202

Proposed Subdivision: A proposed consolidation of five lots into one 19.68 acres plat.

Location: West side of Rapp Road south of Gipp Road adjacent to Crossgates Mall.

Zoning: TOD (Transit-Oriented Development)

Site Inspection Summary:

**Site Inspection Date:** December 15, 2018

**Meeting Attendees:** (December 10, 2018) Presenter Michael Shanley and team consisting of Robert Sweeney who gave an overview of the project, Roger Keating of The Chazen Companies and Michael Bontje of Laing Associates environmental consulting firm ; GCAC Members Laura Barry, Martin Gnacik, Martha Haraus, Gordon McClelland, Darrell McKnight and John Wemple, Chair. There were also three concerned residents at the meeting who were afforded an opportunity to ask questions and raise issues.

**Inspected by:** Presenter Michael Shanley and Environmentalist Michael Bontje: GCAC Members Laura Barry, Martin Gnacik, Martha Haraus, Gordon McClelland and John Wemple, Chair.

**Conclusions:** Having inspected the site, GCAC does not envision any major adverse environmental impact of this development provided appropriate measures are taken to manage storm water and drainage, and that sufficient trees are left in place to not only make the site visually pleasing but also to maintain the stability of the western berm and minimize any negative visual impact of the development. Likewise every effort should be made to eliminate any adverse effect that the development may have on the neighboring Rapp Road Historic Community especially when directing and controlling vehicular traffic. Signage redirecting traffic away from the historic community might help. Along with this, concerns that the Albany Pine Bush may have should be addressed. While the Application indicates a plan to have approximately 4,300 SF of commercial area, Sec. 280-18.1 of the Town Code limits this to 4,000 SF. Applicant will further explore the interpretation of this section of the code.

In an effort to help control traffic, two roundabouts are planned for the ring road which it is hoped will encourage motorists to use the ring road rather than Rapp Road easing the traffic through the Rapp Road Community. Plan is also to make the project walk able but will take added planning in order to make it safe. The pedestrian plan needs to include the pathways to the mall with safe crossings on the ring road. Distance, slope, termination at an entrance with amenities of interest, as well as snow removal issues need to be addressed. Since Padden Circle is just to the west of the project, the plan is to locate the two story town houses several hundred feet from the Padden Circle properties. A view of the site plan drawings as well as the County Interactive Mapping site indicates the distance will be about 300 feet, although a review of the Town tax maps indicates this distance could be closer to about 260 feet.. The population expected to live in the development are high end professionals and families with few children. Incorporated in the plan is a note which should make environmentally minded residents happy is the fact that the development will not use pesticides.

Submitted by: \_\_\_\_\_

John G. Wemple, Jr. - Chair

## INSPECTION DETAILS

**Applicant(s):** Rapp Road Development, LLC - 4 Clinton Square, Syracuse, NY 13202

**Address:** Rapp Road south of Gipp Road, Albany, NY 12203.

**Background:** The Applicant (Crossgates) has been buying properties *in this area* for many years as properties have become available. Originally a large retail mall was developed and more recently a hotel along Western Avenue was built. This year the Town approved zoning for Transit Oriented Development (TOD). This new zoning made it possible for Crossgates to propose the development of 19.6 acres along Rapp Road for a 222 unit residential area containing two 5 story apartment buildings (one with 94 units and the other having 98 units) and three 2 story town houses each of which would have 10 units. All units will be rental. The apartment buildings will also contain 4,000 to 4,300 square feet of commercial space – the square footage depending upon what is allowed under TOD zoning. Rapp Road will also be widened to accommodate parallel parking for possibly 34 vehicles as well as a bus stop. These parking areas are to accommodate those using the retail space and act as traffic calming influences. Although it is really not part of this plan, the overall Crossgates plan further includes an elevated bus terminal to the east of the current bus stop. It is also anticipated that the use of the ring road will be efficient and appealing enough to keep vehicles from using off Western Avenue as the main ingress and egress. Plan also includes replacing the current round-about at the end of Westmere Terrace with a hammerhead turning area and relocating the fence in this area. There will be both indoor and out door parking on the planned development containing a total of 405 parking spaces.

**Topography:** In his overview portion of the presentation, Mr Sweeney noted that there will be grading but the berm along the west side will remain the same. A review of contour lines on the County Interactive Mapping site shows the elevation along the north side (Gipp Road side) to be around 290 ft. Above Mean Sea Level (AMSL) and stays fairly level as one travels to the south and then rises to 300 feet near the southern end of the main area of the site. From there the elevation on the area leading toward the diner on Western Avenue slightly fluctuates until it goes back up 300 ft. again and then quickly drops to 290 ft. on the last 35 feet before the rear of the diner parking lot. Along the west side of the site is a berm which is around 300 ft. AMSL about  $\frac{3}{4}$  of the distance and then decreases to 290 ft. AMSL as it goes further toward the south. The high point along this border is 316 ft. AMSL and the bottom of this berm is about 290 ft. AMSL which is the approximate elevation of most of the area for planned development. The Applicant notes that the lowest elevation on the site is approximately 283 ft. AMSL and is found in the southern section of the property.

**Vegetation/Trees:** Information from the Applicant based on their Consultant's report "indicates that vegetation/trees on-site consists of the secondary succession woodland as a result of new growth after decades of use as a pig farm followed by significant filling. The canopy of the woodland is closed and composed mostly of mature to young Cottonwood. Other species include white pine, red maple, black cherry and boxelder. Shrubs include Japanese honeysuckle, tartarian honeysuckle, serviceberry and hawthorn. The understory herbaceous layer on-site is marginal and consists mainly of upland species. It is composed of dispersed goldenrod, garlic mustard, Queen Anne's lace, daisy fleabane, and wild geranium. The southwestern area of the site contains a small isolated field containing grass and meadow-like, herbaceous species such as broomsedge, queen Anne's lace, and common mullein. The site lacks pitch pine and blue lupine." It was further noted that related to the Karner Blue butterfly corridor to the north of the development "the project will not impact this corridor and has been designed to meet the SPDES Permit requirements and consistent with the goals and objectives of the Pine Bush Management

Plan.”

At time of site visit, tall evergreens were noted along the top of the berm on the west side of the site, although it was observed that most of the trees on the site are deciduous. The southern portion of the site also has some evergreens. GCAC noted cottonwood, tree of heaven, black cherry and white pine with shrubs of honeysuckle and vining bittersweet. Presenter noted that there are lupin on the other side of Gipp Road. He further noted that it may be necessary to eliminate secondary woodland, apparently to accommodate parking and buildings, but there is two and a half to three acres at the north end which will remain and may eventually become more dense. This may be the end result of no development planned for this area as well as the nature of the corner of Gipp and Rapp Roads being designated as Karner Blue Hill Preserve. As to woodland cutting, the plan indicates the decrease in forested acreage will be 11.64 acres a decrease from 19+ acres to 7.5+ acres.

**Soil:** Mr. Bontje, an environmentalist, noted that much of the land had been a pig farm and that the soil is sand and well drained containing Colonie and Granby soils and that there are low spots with two layers of soil, apparently as the result of pigs burrowing in the dirt.

A review of soil survey details on the Albany County Interactive Mapping site indicates there are six different soils on the property – CoC, CoD, EnA, Gr, St and Ud. Along Gipp Road the soil is St with the exception of the corner of Rapp Road where there is a wedge shaped area of CoC soil which extends approximately 100 feet along Gipp and Rapp Roads. The St area extends to the south in a funnel shape to a point almost 2/3 of the way into the main part of the property and crosses the entire width of the acreage. This area is about 200 to 250 feet wide as it crosses the site. Other soils on this northern portion are a large area of Ud soil which is east of the St funnel and covers the a thumb shaped area about 600 feet wide as it swings into the central part of this northern section of the site. Just to the south of this Ud area is an oval shaped area of Gr soil that is almost 250 feet wide. East of this Gr area is a semi-circular area of EnA soil which runs along the west side of Rapp Road. It should be noted that there is also about 50 ft. wide finger of CoC soil that extends about 225 ft. into the property from Rapp Road in a west direction. South of the St section is a relatively wide strip of Gr soil which runs across the entire site and varies in width from about 150 to 240 ft. Below or south of this is a pointed finger of EnA soil which is between about 160 and 200 ft. wide and narrows to a point about 600 feet from Rapp Road. South of this and extending southward is CoC soil which covers the north west corner of the leg which will accommodate the pathway leading toward Western Avenue. To the east and south covering a little more than half of this leg is CoD soil. The remainder of the pathway segment has CoC soil on the west side and Gr on the east side. It should be further noted that CoC soil also runs along the top portion of the western berm from the southwest corner of the Town lot along Gipp Road to about the mid point of the west boundary before it turns in a slightly southeast direction. This curved CoC area extends about 50 feet into the main area of the site.

Using an overlay of the approximate location of the planned structures of the development the following shows the various soils on which they will be built. The planned swimming pool will be primarily on St soil as will a portion of the front area of the north apartment building. The remainder of that building will be on Gr soil and a very small portion at the north west corner of the swimming pool will be on Gr soil. The south apartment will be on EnA soil with the exception of a small portion of the southern most part of the front area and possibly a small segment of the northeast corner of the building which would be on CoC and Gr soil respectively. The north town house will be mostly on St soil with a little more than half of the very front portion on Gr soil. A little less than half of the middle town house building at the north end will be on St soil and the south portion will be on Gr soil. The third town house building will be to the south with the norther fifth on Gr soil and the rest on EnA.

Using “Soil Survey of The Albany County, New York” -1992 – James H. Brown as a resource,

a brief description of these soils and some of the limitations of the particular soils are as follows:  
**CoC – Colonie loamy fine sand, rolling** – This rolling soil which is very deep and well drained to somewhat excessively drained. Slopes range from 8 to 15 percent. The seasonal high water table in this Colonie soil is at a depth of more than six feet, but it may fluctuate to within 3 ½ feet of the surface for very brief periods in early spring. Depth to bedrock is more than 60 inches.

Permeability is moderately rapid or rapid. The available water capacity is low, and surface runoff is medium. The main limitation of this soil on sites for dwellings with basements is the excessive slope on rolling topography. Designing dwellings to conform to the natural slope or landscaping helps overcome this limitation. The main limitation of this soil for local roads and streets is the slope. Grading and excavation costs are higher than in lesser areas of Colonie soils. Constructing roads on the contour wherever possible or landscaping and grading help overcome the slope limitation. The main limitation affecting the use of this soil as a site for septic tank absorption fields is a poor filtering capacity. The soil has moderately rapid or rapid permeability and so is a poor filter of effluent. Consequently, ground-water contamination is a hazard. A specially designed septic tank absorption field or an alternative system will properly filter the effluent. Other soils that have a moderate permeability rate are better suited to this use. **GrCoD**

**CoD - Colonie loamy fine sand, hilly** This soil is very deep and well drained to somewhat excessively drained. Slopes range from 15 to 25 percent. Typically the surface layer is dark brown loamy fine sand about 7 inches thick. The subsoil is 61 inches thick. The substratum is brown loamy fine sand to a depth of 80 inches or more. The seasonal high water table in this Colonie soil is at a depth of more than six feet, but it may fluctuate to a depth of forty inches for very brief periods in early spring. Depth to bedrock is more than sixty inches. Permeability is moderate rapid to rapid. The available water capacity is low and surface runoff is rapid. The main limitation of this soil on sites for dwellings with basements is the slope. The main limitation for local roads and streets is also the slope. The slope increases the cost of grading and excavating. Constructing roads on the contour whenever possible or land shaping and grading help overcome the slope limitation. In some areas, if the vegetative cover has been removed, wind erosion is a hazard. The main limitation affecting the use of this soil as a site for septic tank absorption fields is the slope. This soil is moderately rapidly or rapidly permeable and is a poor filter for effluent. Consequently, ground-water contamination is a hazard. A specially designed septic tank absorption field or an alternative system will properly filter the effluent. In most areas land shaping is needed to install the distribution lines on the contour. Other soils are less sloping and are moderately permeable and are better suited to this use.

**EnA - Elnora loamy fine sand, 0 to 3 percent slopes** - This nearly level soil is very deep and moderately well drained. Seasonal high water table is at a depth of 1 ½ to 2 feet from February to May. Depth to bedrock is more than 60 inches. The main limitation of this soil on sites for dwellings with basements is the seasonal high water table. Installing foundation drains, applying protective coatings to basement walls and diverting surface water away from dwellings help prevent wet basements. Main limitations for local roads and streets are a moderate frost action potential and the seasonal high water table. Adequate drainage of surface water and constructing the road on a coarse textured subgrade or base material help overcome these limitations. The main limitations of this soil on sites for septic tank absorption fields are the seasonal high water table and a poor filtering capacity. This soil is rapidly permeable and is a poor filter of effluent. Consequently, ground-water contamination is a hazard. A specially designed septic tank absorption field or an alternative system will adequately filter the effluent. Other less sandy soils in the higher landscape positions are better suited to this use.

**Gr – Granby loamy fine sand.** This nearly level soil is very deep and poorly drained to very poorly drained. The seasonal high water table is at a depth less than one foot from November to June. Bedrock is more than 60 inches deep. Permeability is rapid. The available water capacity is moderate, and surface runoff is very slow or ponded. The surface layer and subsoil are

moderately acid to neutral. The seasonal high water table causes shallow root development, which results in seedling mortality and windthrow hazard. Main limitations on sites for dwellings with basements are the seasonal high water table and ponding. Similar limitation for local roads and streets due to the high water table and ponding. Installing drainage will lower the water table near road sites. Constructing roads on raised fill material will also reduce wetness. The main limitations affecting the use of this soil as a site for septic tank absorption fields are the seasonal high water table, ponding, and poor filtering capacity. Other nearby soils are better suited to this site.

**St - Stafford loamy fine sand** -This nearly level soil is very deep and somewhat poorly drained. Seasonal high water table is ½ ft. to 1 ½ ft. below the surface from January to May. Depth to bedrock is more than 60 inches. This soil is moderately suited to cultivated crops. The seasonal high water table can cause delays in farming operations and is the main management concern. The main limitation of this soil on sites for dwellings with basements is the seasonal high water table. Foundation and footing drains reduce wetness. Adequately sealing foundations and grading the land so that runoff is diverted from the site also reduce wetness. The soil is better suited to dwellings without basements. For local roads and streets the limitation is also the seasonal high water table. The main limitation of this soil for local roads and streets is the seasonal high water table. Constructing roads on rased fill of coarse textured material will reduce wetness. Excavations and cutbacks in this soil are subject to sloughing and caving. The main limitations affecting the use of this soil as a site for septic tank absorption fields are the seasonal high water table and a poor filtering capacity. The soil is a poor filter of effluent. Consequently, ground-water contamination is a hazard. A specially designed septic tank absorption field or an alternative system will properly filter the effluent.

**Ud - Udipsamments, smoothed** -This map unit consists of nearly level to very steep areas of disturbed, sandy soils. These soils are moderately well drained to somewhat excessively drained. The seasonal high water table in Udipsamments is generally at a depth of more than 6 feet but in some areas is at a depth of 4 feet. Depth to bedrock is more than 6 feet. Permeability is moderately rapid or rapid where the soils are relatively undisturbed and uncompacted. The available water capacity is low or very low, and runoff is slow or medium. It is noted in this reference book that these soils are so variable that onsite investigation is needed to determine potential and limitations for any proposed use.

**Drainage/Wetlands:** Mr. Bontje, who described the soils on the property, and noted the since this site had been a pig farm for many years how the pigs had done much burrowing causing great disturbance to the soils, resulting in the upper soils being disturbed which in turn has apparently affected the soil permeability, which is a measure indicating the capacity of the soil to allow fluids to pass through it. In turn, it is claimed that water does not accumulate on the surface and quickly is absorbed from the surface. It was further noted that the contour of the site decreases from Gipp Road area toward the south and then rises at the south end of the main portion of the acreage. Due to the to relatively steep berm along the west side of the property and the lower terrain at the midsection *and* south end the natural flow would be toward the center and south end. To handle storm water, the plan is to have at least some of the ground water directed to a recharged area where it would be then directed to underground storage and be recharged. GCAC recommends the stormwater management plan be referred to the Town Stormwater Control Officer for review and determination of effectiveness of this stormwater plan. The narrow strip at the far south end has varying elevations but it appears the main direction of drainage would be toward the south and toward the gully which is parallel to that portion of Rapp Road. Since this area needs to accommodate a new sidewalk leading toward Western Avenue, the presence of this gully will need to be taken into consideration. The

Applicant claims there are no wetlands; and GCAC did not encounter any wetlands at time of site visit and there are none according to the County Interactive Mapping site.

**Septic/Wells:** Plan is to hook up to Town water and to have the sewer district extended from Western Avenue.

**Visual Impact:** Applicant indicates that the buffering attributes of the existing berm that extends along the western boundary will be effective and that the existing fence will be relocated to reduce visual impact of the development to neighbors to the west. The wooded area along Gipp Road will provide a natural buffer at the north end of the property. At the south end, it is understood that appropriate landscaping will be used as a buffer.

**Endangered Species:** Supplemental narrative to the SEQRA assessment form states that Laing Associates examined the site and found that it does not contain any state or federal endangered, threatened and species of special concern and determined that no significant adverse environmental impacts will occur to any wildlife species, flora or fauna as a result of the Project. As already noted, the site drawing does show a small area at the corner of Gipp and Rapp Roads identified as Karner Blue Preserve on which no development is planned. At time of site visit, GCAC did not note any endangered species on the property, although GCAC did not walk the Karner Blue Preserve area at the north east corner which GCAC realizes this area should not be disturbed.

**Historical Considerations:** Supplemental narrative to the SEQRA assessment for states that Hartgen Archeological performed an archeological assessment and testing of the entire site and concluded that the Project will not affect any significant archeological resources and no further archeological work is recommended for the site. GCAC did not note anything of historical significance on the Crossgates Rapp Road property at time of site visit.

According to Wikipedia the Rapp Road Community Historic District - At the neighborhood's peak, 23 families lived on Rapp Road. It was established in the 1920's by an African American minister and his wife who had moved north from Shubuta, Mississippi in the Great Migration. The community remained intact until 1971, when the State planned the Washington Avenue Extension to improve connections between Albany and its growing western suburbs. It conducted eminent domain proceedings to acquire the northern parcel. Most of the homeowners moved away. One who lived at what is today the middle of the extension, chose instead to have her house moved. Today it is located at the north end of the street, 8 Rapp Road, 300 feet (90 m) south of its original location. The article goes on to say the community has survived despite the disruption and the large-scale development of the surrounding area. Many descendants of the original homeowners have returned to raise their families here. Every year the community holds a "family reunion", and every other year holds an additional celebration in Shubuta for those relatives who still live there. As of 2008, 15 of the original 23 families remain. In 2002 the community was designated by the state of New York as a "New York State Historic District" and in 2003 as a National Historic District. In 2006 the state Department of Education chartered the Rapp Road Historical Association, which has formed to preserve and interpret the history of the area.

Applicant *has* indicated that Crossgates does not plan on development into the historic area, although they do own at least four lots along Rapp Road.

While there may be concern that the development will cause more traffic over Rapp Road to and from Washington Avenue Extension, on page 7 of the Full Environmental Assessment Form – Page 7 states that the proposed action will not result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services.

**Submitted by:** \_\_\_\_\_

John G. Wemple, Jr. - GCAC Chair