
Comment regarding Lead Agency for DEIS Rapp Road Residential/Western Avenue Mixed Use Redevelopment Projects

1 message

Christine Napierski <cmn@nvnolaw.com>
To: "Kovalchikk@togny.org" <Kovalchikk@togny.org>

Tue, May 12, 2020 at 12:40 PM

Attention: Kenneth Kovalchik, Town Planner, Kovalchikk@togny.org

The Town of Guilderland Planning Board should remove itself as Lead Agency for evaluating the Draft Environmental Impact Statement (DEIS) for the proposed development by The Pyramid Companies (Crossgates) on Rapp Road, the Mall Road and Western Avenue to build up to 360 Apartments with up to 3 five-story apartment buildings, up to 50,000 sq ft of office space and up to 278,900 sq ft of commercial expansive retail including a Costco with a 700 car parking lot and a 16 pump gas station because:

1. The Town allowed illegal alteration during the State Environmental Quality Review (SEQR) process when The Pyramid Companies clear-cut a large wooded portion of the site of the proposed Costco on March 26, 2020 even though Pyramid provided advance notice of the clear cutting to the Town.
2. The Guilderland Planning Board deemed the Draft Environmental Impact Statement (DEIS) "complete" when it was missing wetland reports. As of May 10, 2020, these reports still have not been provided to the public if they have indeed even been provided to the Town by Pyramid.
3. The Guilderland Planning Board claimed Lead Agency before the full scope of the project was revealed.

At the very least, the Town of Guilderland Planning Board should postpone making any decisions regarding the DEIS until after NYS is no longer under a State of Emergency and Stay at Home Order, and all pending lawsuits against the Town of Guilderland and The Pyramid Companies regarding the status of the Planning Board remaining Lead Agency are resolved.

Thank You,

Christine Napierski
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Impact on Guilderland Comment regarding DEIS Rapp Road Residential/Western Avenue Mixed Use Redevelopment Projects

1 message

Christine Napierski <cmn@nvnolaw.com>
To: "kovalchikk@togny.org" <kovalchikk@togny.org>

Tue, May 12, 2020 at 1:15 PM

Attention: Kenneth Kovalchik, Town Planner, [Kovalchikk@togny.org](mailto:kovalchikk@togny.org)

The Draft Environmental Impact Statement (DEIS) for the proposed development by Pyramid (Crossgates) on Rapp Road, the Mall Road and Western Avenue to build up to 360 Apartments with up to 3 five-story apartment buildings, up to 50,000 sq ft of office space and up to 278,900 sq ft commercial expansive retail including including a Costco with a 700 car parking lot and a 16 pump gas station should be rejected because the following are not adequately addressed:

1. The quality of life in Guilderland is changing drastically with the explosion of growth that is occurring. The previous building of the hotel and now this expansion of Crossgates Mall on over 46 additional acres with multiple high-rise apartment buildings, office buildings and a proposed big-box retail Costco is creating a very dense city/urban area that will directly impact neighborhoods that should remain suburban. The Transit Oriented District is supposed to "incentivize development that adequately protects nearby residential neighborhoods" according to the stated purpose in section § 280-18.19(a) of the Town Zoning Code. This development does not meet that standard.
2. Crime is already a problem at Crossgates Mall and Pyramid has reneged on their promise to pay for additional police officers. There are several small residential neighborhoods that will be directly affected and overwhelmed by this surge in density. Traffic and home values being the most obvious impacts that will be detrimental to the homeowners and other residents in this area. We need to preserve and protect the way of life that this suburban area has offered to the current residents of this town and which attracts others to move here.
3. The proposed expansion by Pyramid to build a huge Costco big-box store with 18 gas pumps also does not fit the stated purpose of the Transit Oriented District and gas stations should never be built over known aquifers and environmentally sensitive areas.
4. This intense development will not help the traffic in this part of Guilderland. To increase the development on these roads and expect traffic to go down, especially on Western Avenue, is magical thinking.

From just 2 of the 3 sites, the DEIS traffic study predicts 364 new trips during the weekday AM peak, 662 new trips during the weekday PM peak and 911 new trips during that Saturday peak.

The traffic congestion on Western Avenue is already horrible and dangerous.

More traffic will only make it more difficult to patronize local businesses. It is almost impossible to make left hand turns from either direction in a safe manner. With the addition of a regional attraction like Costco, the amount of non-local traffic will sky rocket leading to an increased probability of more accidents that will further stress Guilderland's first responders. This will only get worse around the holidays in the winter.

5. The town's infrastructure has not had any major updates in quite some time. By allowing the projects that Pyramid wants will further stress the water, sewer and road infrastructures. This town cannot continue to allow this unfettered growth without major concerns for the infrastructure of the entire town. Again, Pyramid has already reneged on its promise to pay for police officers.
6. The DEIS does not adequately consider other options, particularly the option to not build these developments at all or to build them inside the Mall Ring Road to make better use of Crossgates Mall and existing under utilized parking lots. Crossgate's tenants Macy's and JC Penny may be going out of business soon. Why not put the Costco in the empty retail space left behind when these anchor tenants go under?
7. The core vision for the Town of Guilderland includes a balance of business and residential components that are conducive to the suburban/rural way of life in this town. The growth that is occurring, specifically that of the type that the Pyramid Corporations want to build, does not belong in Guilderland. Huge Malls and big box stores are better situated in areas zoned Industrial or more densely populated areas that are for businesses. Over the past 20 years, we have watched urban and multi-dwelling apartments projects continue westward into Guilderland. This has increased traffic, noise and dirt for anyone who lives a block or two from Western Ave. Let's protect what we have and say no to any future corporate expansion in town.
8. The town must consider the financial status of the applicant. News reports indicate that the Pyramid Group is considering filing bankruptcy. The Town of Guilderland should not allow projects to begin that have a high likelihood of not being completed. Will Pyramid be able to pay it's contractors and other suppliers? Will local companies receive payment for their work? If Pyramid files for Bankruptcy many local companies will not be paid.
9. As a consequence of the pandemic, many planners are already re-thinking Transit Oriented Districts that encourage high density. After the pandemic, the demand to live in a high density apartment complex will decrease. Also, the need for

commuters to live close to public transportation will decrease as more people telecommute and work remotely.

10. Big Box retailers like Costco are going out of business. As more and more people shop on line, retailers like Sears and Kmart have gone out of business and others like JC Penney and Macy's will be filing bankruptcy or going out of business in the near future. Will Costco suffer the same fate? If we want to help the local economy, we should find more ways to help local business.

Thank you,
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Sent from [Mail](#) for Windows 10

Impact on the Environment Comment for DEIS Rapp Road Residential/Western Avenue Mixed Use Redevelopment Projects

1 message

Christine Napierski <cmn@nvnolaw.com>
To: "kovalchikk@togny.org" <kovalchikk@togny.org>

Tue, May 12, 2020 at 1:19 PM

Attention: Kenneth Kovalchik, Town Planner, [Kovalchikk@togny.org](mailto:kovalchikk@togny.org)

The Draft Environmental Impact Statement (DEIS) for the proposed development by Pyramid (Crossgates) on Rapp Road, the Mall Road and Western Avenue to build up to 360 Apartments with up to 3 five-story apartment buildings, up to 50,000 sq ft of office space and up to 278,900 sq ft commercial expansive retail including including a Costco with a 700 car parking lot and a 16 pump gas station should be rejected because the following are not adequately addressed:

1. The Pine Bush borders the Crossgates expansion. The Albany Pine Bush is considered the best example of an inland pine barrens ecosystem in the world. The Pine Bush contains 78 wildlife Species of Greatest Conservation Need, including the federal and state-endangered Karner blue butterfly) and state-threatened frosted elfin butterfly, and the largest inland sand dune system in eastern North America. The site 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. Appendices F and G in the DEIS are inadequate to evaluate the impact of the proposed development on the plant and animal species in the Pine Bush.
2. The Pine Bush habitat is threatened by the expansion of this commercial venture, whether it is adjacent to the construction or a few hundred feet away. These species are important not only to the Pine Bush, but to the local ecosystem as well. The cumulative impact of this development plus other proposals on the Pine Bush is not adequately addressed.
3. The world is experiencing the sixth major extinction. The mitigation measures offered in the DEIS are inadequate to address the destruction of 46 acres of land. The proposed development decreases the size of the Pine Bush and the mitigation measures offer no possibility for expanding the habitat.
4. The Draft Environmental Impact Statement is woefully incomplete because it does not adequately address the effect this massive development would have on the ecosystem of the Pine Bush, or the effect on plant and animal species.

Thank you,
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