

Steve and Barbara Wickham
235 Executive Dr.
Guilderland, NY 12084
September 17, 2019

Town of Guilderland Planning Board
c/o Kenneth Kovalchik, Town Planner
Town of Guilderland, Guilderland Town Hall
Post Office Box 339, 5209 Western Avenue
Guilderland, NY 12084
kovalchikk@togny.org

RE: Draft Scope for Draft Environmental Impact Statement (DEIS) for Rapp Road Residential Development and Additional Lands; Sent via email

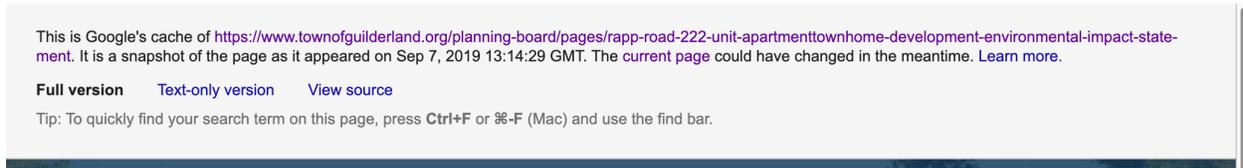
Dear Town of Guilderland Planning Board:

Our comments for the Draft Scope published on the town website on August 15, 2019 at this URL <https://www.townofguilderland.org/planning-board/pages/rapp-road-apartments-site-plan-and-subdivision-plan> are on the following pages.

Before getting into our specific comments on the Draft Scope, we believe the comment period should be extended because all of the related information for this project's Draft Environmental Impact Statement was not published to the website until much later on the town's website at this URL:

<https://www.townofguilderland.org/planning-board/pages/rapp-road-222-unit-apartmenttownhome-development-environmental-impact-statement>

We discovered this later webpage on September 6, 2019 and Google cached the page on Sept 7, 2019.



We do not know exactly when this webpage with all of the information was published or on what dates it was subsequently updated because the Town's website does not display these dates even though the Drupal Content Management System used to operate the site is capable of doing so. However, we do know that it was published sometime between when the Town Planner returned from vacation, on or about August 21, 2019, and Sept 6, 2019. Because of this delay in publishing all relevant information, we believe that the comment period on the Draft Scope should be extended by as many days as the delay in publishing all of the information about the project to the public plus the number of days after today until the comment period is publicly announced to be extended if that happens.

Thank you in advance for the consideration of our comments,

Steve and Barbara Wickham
Residents of Guilderland

Comments on Draft Scope for Draft Environmental Impact Statement (DEIS) for Rapp Road Residential Development and Additional Lands

SELECTION OF LEAD AGENCY

The Town of Guilderland Planning Board declared itself lead agency. Although this was done without objection from other agencies, we believe the Guilderland Planning Board should reconsider this decision and request the NYS Department of Environmental Conservation to take over as lead agency because this project will likely have profound impacts not only on residents within the Town of Guilderland but also on residents in City of Albany.

This project is also in direct proximity to the nationally recognized Rapp Road Community Historic District and the Albany Pine Bush National Natural Landmark. Most mitigation efforts in respect to traffic as a result of this project would have to happen within the Albany City limits. Indeed, due to the scale of this project there are potential impacts on a large section of Albany County which could be better studied by the State Agency.

For the above reasons, we believe Town of Guilderland Planning Board should request a change in Lead Agency and ask the NYS Department of Environmental Conservation to take over.

2.0 DESCRIPTION OF THE PROPOSED ACTION

There are three development areas within the Transit Oriented Development (TOD) District being considered, but we believe there should also be a fourth as indicated on IMAGE 1: SITE PLAN on the next page.

While Steve was campaigning in the Spring of 2019 to represent District 30 of the Albany County Legislature, which includes the sites in the map below, Steve heard rumors from residents of the district that a Costco is to be built within SITE 2. The description of what is to be considered for development in DRAFT SCOPE for purposes of the Draft Environmental Impact Statement (DEIS) for SITE 2 is a “a ±160,000 square feet retail building and associated fueling facility on ± 15 acres”. This description as provided by the Applicant is consistent with the rumor of a building Costco which also typically has a fueling station associated with it.

Another rumor Steve heard while campaigning was that a second hotel is to be built upon the property we have indicated as SITE 4 which is on the opposite side of the current main entrance to the Crossgates Mall. Because the rumor for SITE 2 seems to be more than just a rumor based on what the Applicant has submitted in the DRAFT SCOPE, we believe this area should also be included in the DEIS.

The Applicant also owns even more property outside of the submitted SITE PLAN and for the purposes of understanding compounded impacts on traffic and the environment, the applicant should reveal all potential development plans for all of their properties for study in the DEIS.

Furthermore, the Applicant should be more definitive with their true intentions for development. The Rapp Road Apartment/Townhome Site Plan as of July 2, 2019 has an area marked “Potential Future Development”. The DRAFT SCOPE says, “While no plans currently exist for this area, an additional 90 apartment units will be analyzed for purposes of the DEIS.” The shape and position of the road around this area is clearly designed with the intention to add third 5 Story apartment building as can be seen in IMAGE 2: RAPP ROAD APARTMENT/TOWNHOME SITE PLAN AS OF JULY 2, 2019 WITH THIRD 5-STORY BUILDING which was created with a simple copy and paste process with Photoshop.

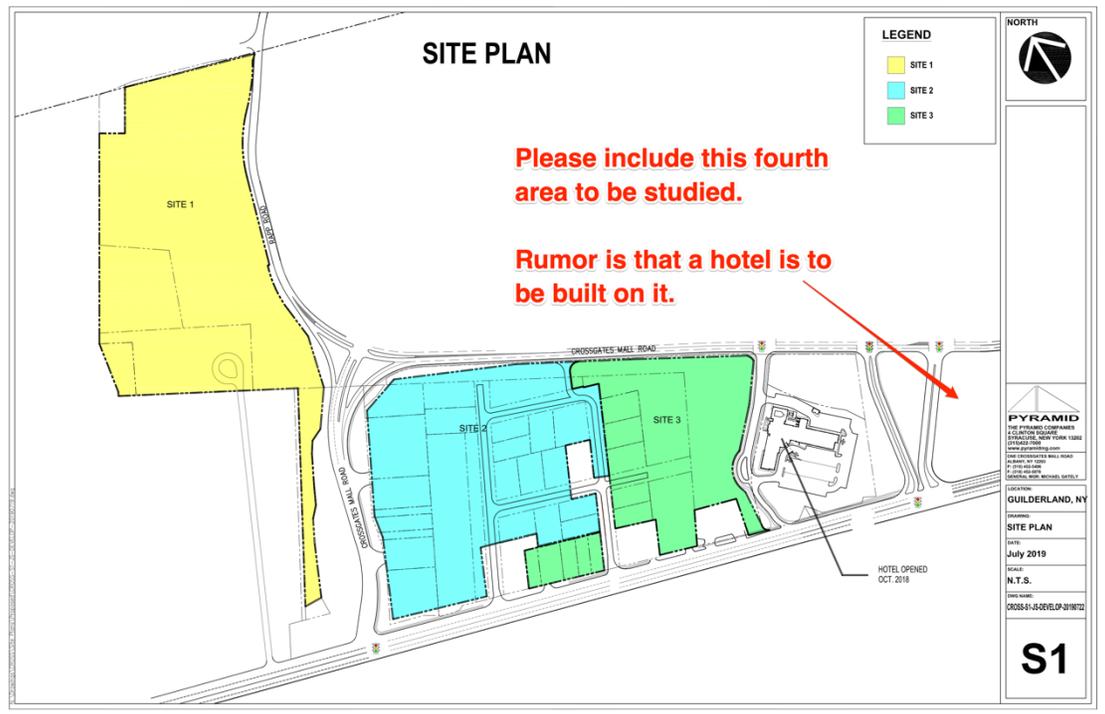


IMAGE 1: SITE PLAN

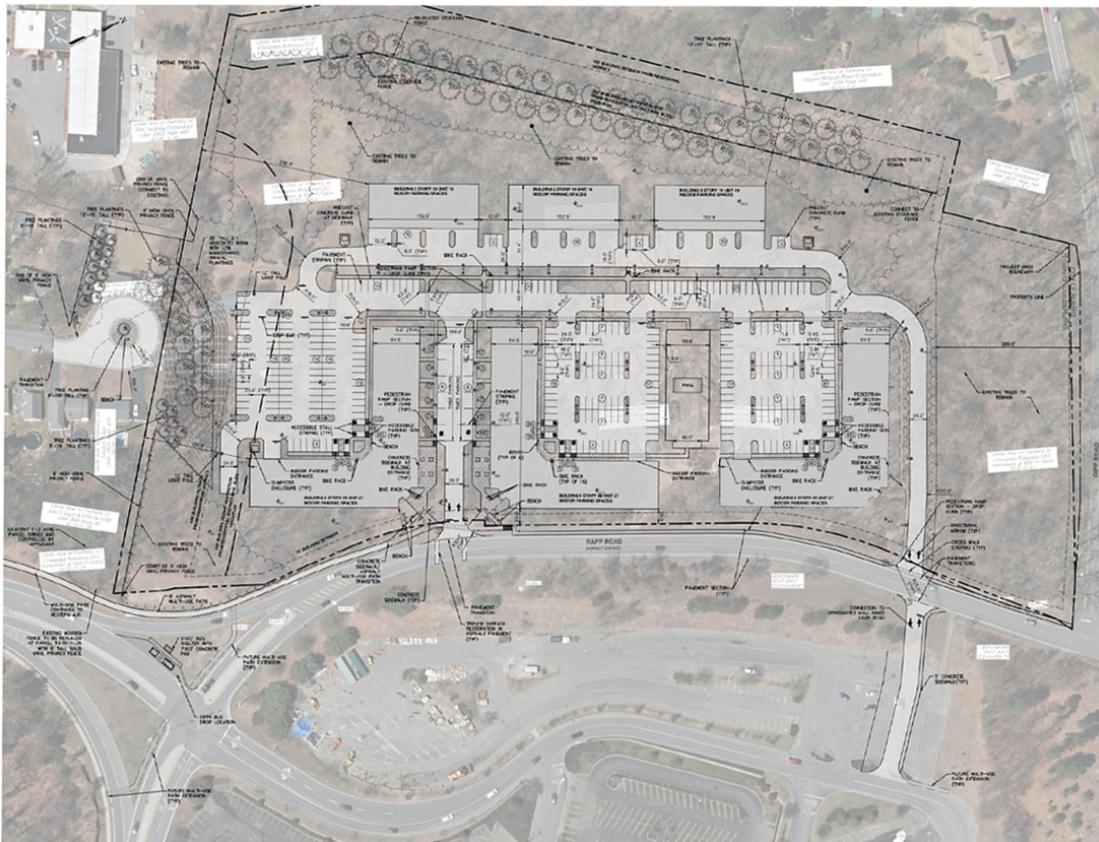


IMAGE 2: RAPP ROAD APARTMENT/TOWNHOME SITE PLAN AS OF JULY 2, 2019 WITH THIRD 5-STORY BUILDING

3.0 EXISTING CONDITIONS, POTENTIAL IMPACTS AND MITIGATION MEASURES

The environmental study should be conducted so that it:

1. Is conducted through all of the seasons when one could reasonably expect to find the endangered Karner Blue butterfly as well as the 45 other "Species of Greatest Conservation Need" including 16 birds, 14 reptiles and amphibians, and 15 insects. (Source: archived page from the Albany Pine Bush Preserve Commission: <http://www.albanypinebush.org/conservation/wildlife-management>)

Insects

Frosted elfin
(*Callophrys irus*)
Henry's elfin
(*Callophrys henrici*)
Karner blue
(*Lycaeides melissa samuelis*)
Regal fritillary
(*Speyeria idalia*)
Tawny crescent
(*Phyciodes batesii batesii*)
A noctuid moth
(*Chytonix sensilis*)
A noctuid moth
(*Chaetagnathia cerata*)
Barrens buck moth
(*Hemileuca maia maia*)
Barrens dagger moth
(*Acronicta albarufa*)
Barrens itame
(*Itame* sp 1)
Bird dropping moth
(*Cerma cora*)
Broad-lined catopyrrha
(*Erastria coloraria*)
Pine barrens zanclognatha
(*Zanclognatha martha*)
Mottled duskywing skipper
(*Erynnis martialis*)
Persius duskywing skipper
(*Erynnis persius persius*)
Ringed boghaunter
(*Williamsonia lintneri*)

Reptiles and Amphibians

Eastern hognose snake
(*Heterodon platirhinos*)
Smooth greensnake
(*Opheodrys vernalis*)
Worm snake
(*Carphophis amoenus*)
Northern black racer
(*Coluber constrictor*)
Black ratsnake
(*Elaphe obsoleta*)
Eastern box turtle
(*Terrapene carolina*)
Snapping turtle
(*Chelydra serpentina*)
Spotted turtle
(*Clemmys guttata*)
Wood turtle
(*Clemmys insculpta*)
Musk Turtle Stinkpot
(*Sternotherus odoratus*)
Jefferson salamander
(*Ambystoma jeffersonianum*)
Blue-spotted salamander
(*Ambystoma laterale*)
Eastern spadefoot
(*Scaphiopus holbrookii*)
Fowler's toad
(*Bufo fowleri*)

Birds

American woodcock
(*Scolopax minor*)
Black-billed cuckoo
(*Coccyzus erythrophthalmus*)
Blue-winged warbler
(*Vermivora pinus*)
Golden-winged warbler
(*Vermivora chrysoptera*)
Brown thrasher
(*Toxostoma rufum*)
Prairie warbler
(*Dendroica discolor*)
Ruffed grouse
(*Bonasa umbellus*)
Tennessee warbler
(*Vermivora peregrina*)
Whip-poor-will
(*Caprimulgus vociferus*)
Yellow-breasted chat
(*Icteria virens*)
Black-throated blue warbler
(*Dendroica caerulescens*)
Cooper's hawk
(*Accipiter cooperii*)
Red-shouldered hawk
(*Buteo lineatus*)
Scarlet tanager
(*Piranga olivacea*)
Sharp-shinned hawk
(*Accipiter striatus*)
Wood thrush
(*Hylocichla mustelina*)

2. Include other species like turkey and deer that are known to reside on this lot and which will be displaced. The study should determine where these other species are expected to go and their displacement impacts on local neighborhoods.
3. The Paris Agreement's mandate is to limit global temperature increases to 1.5–2 degrees Celsius. This target translates into cutting carbon emissions in Western countries by 10 percent a year. This net

change in carbon emissions for this development should be calculated to determine if it will help the Town of Guilderland, the City of Albany, the County of Albany, the State of New York and the United States meet this mandate. (<https://news.harvard.edu/gazette/story/2017/04/to-slow-climate-change-naomi-klein-looks-to-government-business>)

4. Traffic mitigation efforts that would have to happen in the City of Albany to protect the Rapp Road Historic District and which may affect the quality of life and services provided by the City of Albany (including but not limited to emergency response, garbage collection and access to voting polls) to residents of Wilan Lane, Pine Lane, Paden Circle and Gipp Road should be included
5. Traffic impacts on entering and exiting Westmere Terrace in Guilderland as well as other nearby streets should be thoroughly examined.

5.0 REASONABLE ALTERNATIVES ANALYSIS

Directly on the other side of Rapp Road from the proposed site for the proposed apartment development are parking lots that are largely unused and owned by the Applicant or their subsidiary corporations.

A reasonable alternative to help protect the impacts of this development on existing neighborhoods on Westmere Terrace and Paden Circle and to also minimize environmental impacts of the currently undeveloped lots of SITE 1 would be to move the proposed development closer to the mall.

In IMAGE 3 on the next page, we have overlaid the The Rapp Road Apartment/Townhome Site Plan as of July 2, 2019 on Google Maps to properly scale the site plan to the map.

On IMAGE 4, we have cropped out the buildings and parking lots and moved the development closer to the Crossgates Mall.

This alternative site for the development has several advantages:

1. Because the existing land is lower, the 5-story buildings will have less, if any, visual impact on nearby neighborhoods.
2. No changes to the existing cul-de-sac Westmere Terrace would be required nor would there be the need to build berms around the Westmere Terrace neighborhood to protect it.
3. No changes to the existing berms on Paden Circle would be required.
4. Most of the existing undeveloped property would be left undisturbed.
5. The development is to have $\pm 3,900$ SF of commercial space and having this space closer to the mall should help those commercial ventures to be more successful.
6. The development would better satisfy the intention of the TOD which is defined in Section 280-18.1 of the Guilderland Zoning Code and says that the purpose of the district is to “incentivize development that adequately protects nearby residential neighborhoods and utilizes resources within and near the TOD’s boundary, including regional shopping, entertainment, and employment centers, a robust transit service with high ridership and proposed enhancements, direct vehicle access to the interstate highway system, and a nearby local business community. The TOD District encourages more compact development, traffic-calming measures, better access management, improving the environment for non-automobile-oriented modes of transportation, reducing the number of required parking spaces, supporting mixed-use buildings and pedestrian linkages, and focusing intense development away from existing residential neighborhoods.”
7. The closer the development is to the Mall the more likely residents are to walk to and through the Mall to get to the CDTA transportation hub and presumably while walking through the Mall they

would be more likely to shop there as well. This increased foot traffic through the mall would help the mall's bottom line which is what the Applicant has claimed they are trying to improve.



**IMAGE 3: THE RAPP ROAD APARTMENT/TOWNHOME SITE PLAN
AS OF JULY 2, 2019 OVERLAYED ON GOOGLE MAPS**

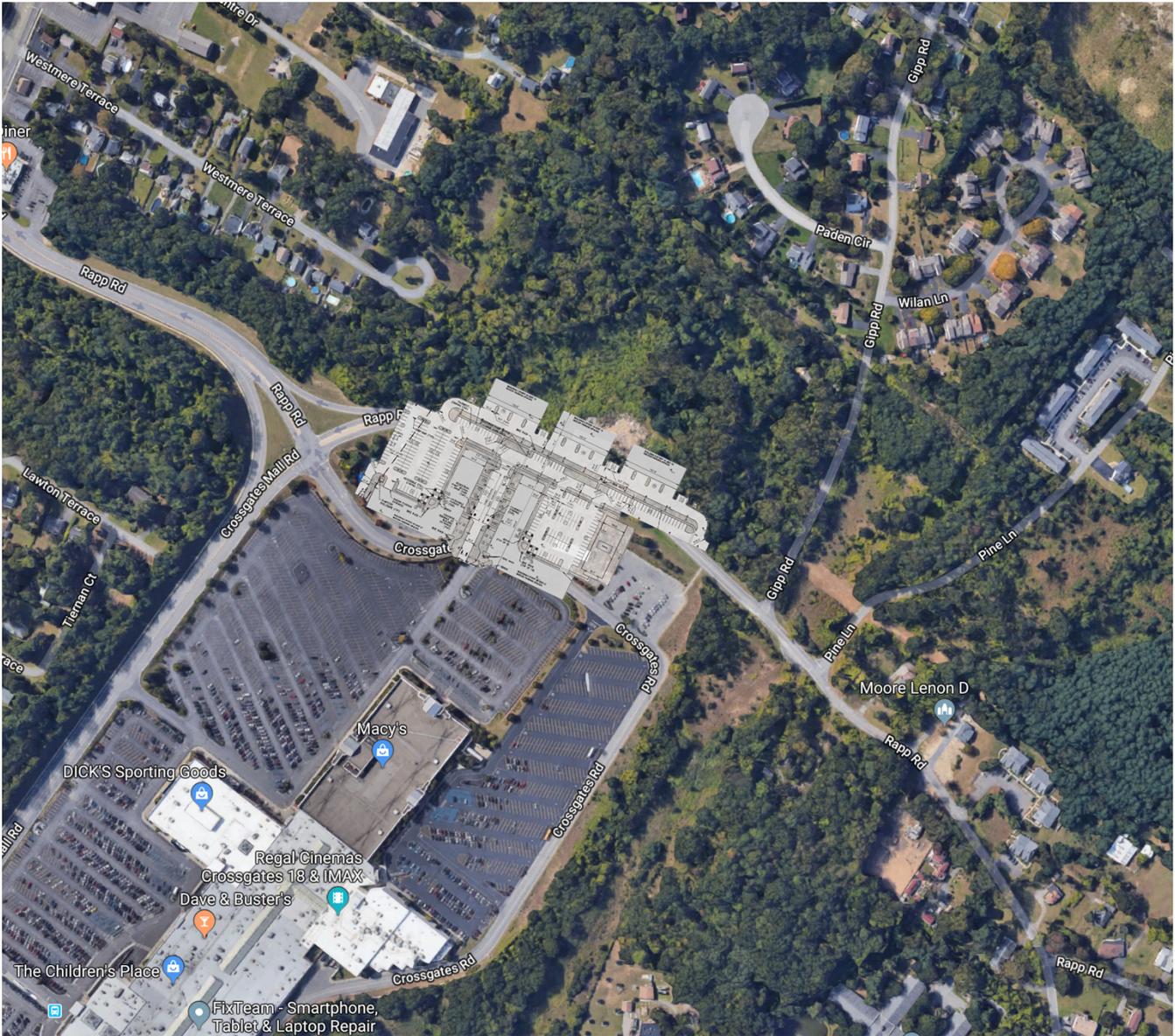
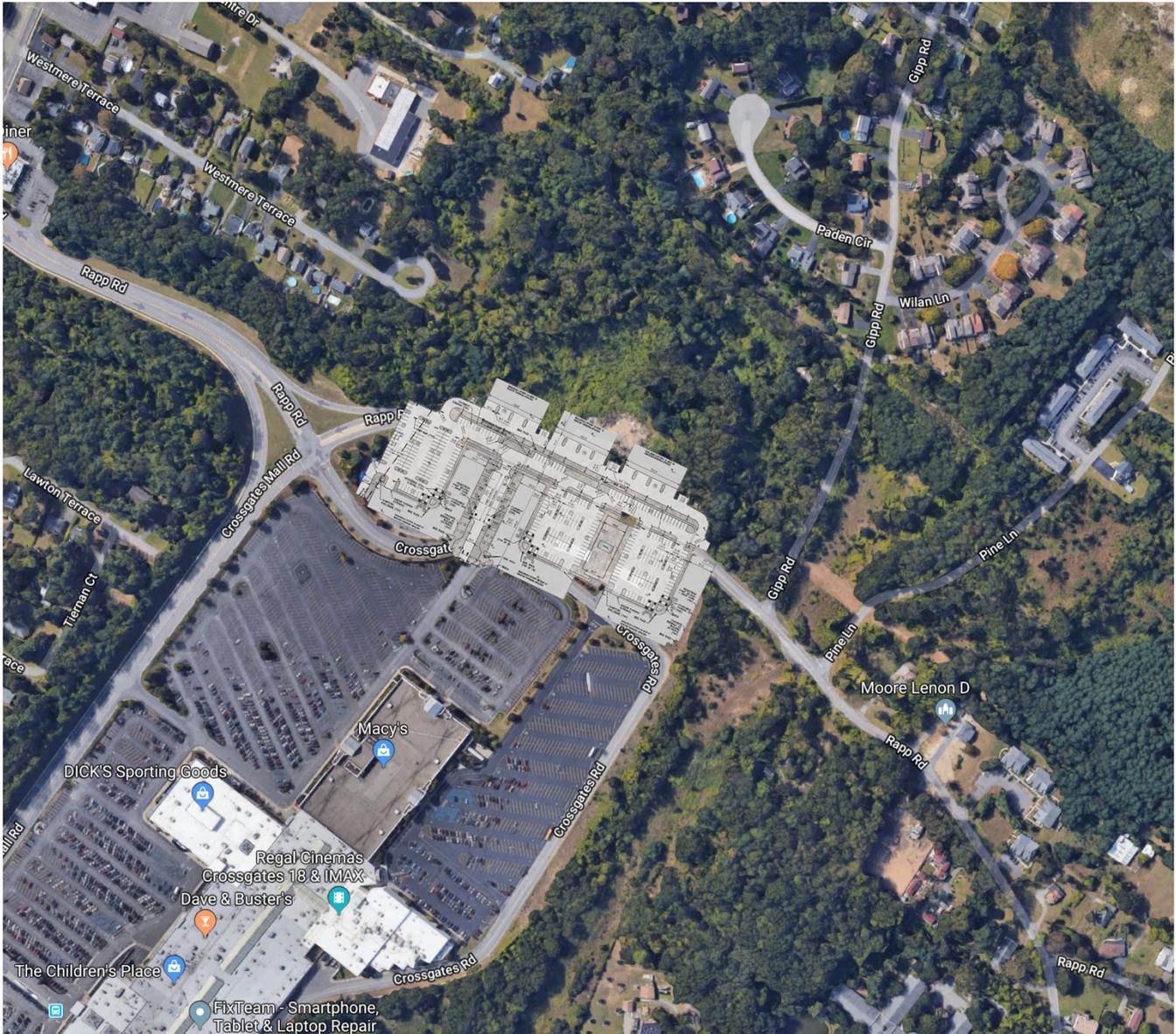


IMAGE 4: THE RAPP ROAD APARTMENT/TOWNHOME SITE PLAN
MOVED CLOSER TO MALL OVERLAYED ON GOOGLE MAPS



**IMAGE 5: THE RAPP ROAD APARTMENT/TOWNHOME SITE PLAN
WITH THIRD 5-STORY APARTMENT BUILDING
MOVED CLOSER TO MALL OVERLAYED ON GOOGLE MAPS**

IMAGE 5 also shows that it would potentially still be possible to add the third 5-Story building presumably that Applicant intends to build in the future.