



# Save the Pine Bush

June/July Newsletter

Jun/Jul No. 146 • 33 Central Ave., Albany, NY 12210 • email [pinebush@mac.com](mailto:pinebush@mac.com) • phone 518-462-0891 • web [www.savethepinebush.org](http://www.savethepinebush.org) • Circ. 625

## Vegetarian/Vegan Lasagna Dinner

Wednesday, June 19, 2019, 6:00 p.m.

**Neil A. Gifford**

Conservation Director, Albany Pine Bush Preserve Commission  
will speak about

## The Commission's Analysis of Pyramid Crossgates Building Proposal on the Pine Bush

Pyramid Crossgates is proposing to construct 222 apartments in five buildings on twenty acres of Pine Bush. The proposed development is located on Rapp Road in the Town of Guilderland. The Albany Pine Bush Preserve Commission's Technical Committee has issued an analysis of the proposal and its possible affects on the Pine Bush. The Karner Blue "butterfly corridor" borders this proposed development to the north. Neil Gifford will explain the Technical Committee's findings, the Commission's position on the proposed development and impacts the proposed development may have on insect, amphibian, reptile and mammal species.

**At the Westminster Presbyterian Church, 85 Chestnut Street** (people with cars can park in the lot near the door). All-you-can-eat lasagna dinner, with vegetarian, vegan and gluten-free options, salad, garlic bread and delicious desserts. Only \$12 for adults, \$6 for students, and \$2 for children. People who make reservations are served first. For reservations, please leave a message for Rezsins Adams at 462-0891 or email [pinebush@mac.com](mailto:pinebush@mac.com).

Interested people are welcome to attend the program beginning at 7:00 for no charge.

## Summer Evening Hike with Andy Arthur Thursday, June 27, 2019 at 7:00 PM

**Meet at:** Pine Bush Discovery Center parking lot, east side of Route 155, opposite Old State Road.

For GPS - 195 New Karner Road, Albany NY 12205

**Leader: Andy Arthur • For More Information:** (518) 281-9873 • [andy@andyarthur.org](mailto:andy@andyarthur.org)

Join Andy for a really nice, summer evening hike through the beautiful Pine Bush. Enjoy one of the latest sunsets of the year; listen to the spring peepers in the vernal pools. You should bring a flashlight, as it may start getting dark by the time the hike is ending. Tick spray, long pants are recommended.

The hike is free and open to the public. Bring your friends!

**Dinner Schedule:** No dinner in July, then Wednesdays, August 21, 2019, September 18, 2019, October 16, 2019, November 20, 2019, December 18, 2019

[www.savethepinebush.org](http://www.savethepinebush.org)

## Honoring Lou Ismay at the April SPB Dinner

by Tom Ellis

ALBANY, NY: "If we lose reverence for any part of life, we lose reverence for all of life," said Save the Pine Bush member Lou Ismay at the April 17th SPB dinner at which Lou spoke about his launching the Protect Your Environment (PYE) Club at SUNY Albany fifty years ago. He said many future members of Save the Pine Bush met each other through PYE.

Before Lou spoke, Lynne Jackson read proclamations honoring Lou and his great achievements from Albany Mayor Kathy Sheehan, US Representative Paul Tonko, Albany County Executive Dan McCoy, and from the NYS Senate. Assemblyman Patricia Fahey later read a proclamation from the NYS Assembly. Lou said the project was initially conceived as a joint Union, RPI, and SUNYA endeavor but became

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## Done with the Dunn Dump

by Tom Ellis

ALBANY, NY: David Ellis of Rensselaer Residents Against Toxic Dumping and Lou Sebesta of Stop Trucks Assaulting Rensselaer (STAR) spoke at the May 15th SPB dinner about "Done with Dunn Landfill: Negative Impacts of Dunn C/D Dump Operations" in Rensselaer, and their efforts to close it. Later in the evening, George Keleshian of Zeroenergy Buildings, Inc., finished the presentation he did not have enough time to complete at the April SPB dinner.

Before they spoke, Lynne Jackson discussed the Pyramid Corporation's proposal to construct 222 residential units on about twenty acres in Guilderland just off of Western Avenue on Rapp Road. She said no environmental impact statement has been produced, the town industrial development authority has not granted taxpayer supplied subsidies, the Albany Pine Bush Preserve Commission (APBPC) may not oppose the project if Pyramid provides eight separate acres it owns to the Pine Bush Preserve, the Albany County Planning Board has recommended against the project, and SPB is organizing to block it but "It will be a big fight."

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### *Lou Ismay continued from page 1*

a SUNYA project. It was designed for juniors and seniors but was quickly opened to freshmen and sophomores. A \$5000 grant got the project up and running.

The course expected students to (1) attend classes and hear 3-4 guest speakers each semester; (2) perform some useful activity for them self or some one else; and (3) evaluate their project as successful or unsuccessful and why. Course activities were regularly reported on in both Albany daily newspapers. For years, Lou said he logged 30-60 daily contacts from walk-ins, telephone, and mail.

Classes met on Tuesdays from 4-8 p.m. The first hour was guest speaker lecture and the second hour a sit-down dinner. He said Albany Mayor Erastus Corning contacted Lou wanting information. Program participants made a presentation at a National Governor's Conference at the Commodore Hotel. Students built a particulate air monitoring instrument that counted particles per cubic centimeter.

The first Earth Day in 1970 occurred during the first year second semester of the program. By then, PYE was already nationally known. At the governor's conference, he met a group of high school girls from Long Island who had created their own PYE. Lou said this "was an interesting and exciting time." He said a SUNYA biology professor told him that PYE activities were occurring all over the campus.

Tours of the Pine Bush began in 1970. Lou walked to the high sand dune where he could see the Catskills and Berkshires. The Pine Bush work continued from semester to semester. Students helped clean a dump in a ravine filled with bath tubs, washing machines, and other debris. Some of the construction and demolition debris had to be removed via helicopters.

Lou said he always invited now-retired NYS DEC wildlife pathologist Ward Stone to be a guest speaker. Another guest speaker from the SUNYA atmospheric sciences department had documented particulates traveling around the world.

Some students got their parents involved in their work. Many tips were received. Mark Levine walked along Central Avenue in the 1970's noticing many ill people and began making the connections between their health and NL Industries uranium emissions. [Decades later British scientists determined that NL Industries emitted several tons of uranium from its smoke stacks at 1130 Central Avenue in Colonie.]

After a woman died who lived downwind of GE Selkirk, students began investigating to learn what was coming from the GE stacks. Lou said projects could be one semester or go on for

several or many semesters.

He said "It was not all Ph.D. work" but "It was diligence." Students conducted field work, research, and wrote reports. Each student also had to assist another student(s) with their project.

Another project concerned damage from the Tobin Packing Co to the Patroon Creek. Two students won a lawsuit. The Pine Bush project documented every wetland in Albany County.

Lou asked, "Was it an academic course or a course in life?" He said that for years, no one in the SUNYA administration or archives paid much attention to what the students were doing.

One result of the PYE was Albany Mayor Corning allowing many environmental groups to move into a former public school building on Morton Avenue. Denis Lamoureux had an office there and Lou later gave some of his archives to the Lamoureux Foundation. Some students worked in collaboration with the Rensselaerville Institute.

When the university decided to eliminate the project along with 114 programs in 1978, more than 400 parents, students, and faculty opposed the closure. Lou said most of the 114 programs had a strong female leadership. He said the legislature provided \$90,000 to retain the program for another two years.

He said he has made a list of industries in the United States that have killed millions of people without anyone going to jail or prison. Lou quoted Mohawk Indian Tom Porter who speaks of one mind: people agreeing in unison to go do something.

Later in the evening, Lou asked me to think about "What would the world look like if children really mattered?"

\* \* \*

Please note: Lou Ismay gave a riveting speech at the April dinner, but, due to time restraints, he was not able to finish all of the stories he has to tell. Lou will speak again at the SPB August dinner, Wednesday, August 21 at 6:00 at the usual location, Westminster Presbyterian church, 85 Chestnut Street, Albany. Everyone is invited!

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## **Save the Pine Bush Dinners Now Available on iTunes!**

THE INTERNET: Can't make it to the Save the Pine Bush dinner? Missed the the great talks in April and May? Now, you will be able to listen to the Save the Pine Bush dinner speakers on iTunes! Subscribe to "Dinner with Save the Pine Bush." Or listen on your computer at: [http://www.savethepinebush.org/Podcasts/Podcast\\_Index.html](http://www.savethepinebush.org/Podcasts/Podcast_Index.html)

### *Done with Dunn continued from page 1*

Lynne thanked Grace Nichols for working successfully to have the Albany County Legislature enact the Pollinator-Friendly county Resolution two days earlier. Lynne provided an update about Cynthia Pooler's documentary film about the life and work of Rezsins Adams. Lynne said "We must tell the Save the Pine Bush story so people know they can fight city hall and win."

Using a PowerPoint, Dave led off. He said up to 100 trucks per weekday enter and exit the dump which borders the city of Rensselaer, the Rensselaer public school, an East Greenbush neighborhood, and a cemetery. The dump, he said, blows stench into the school and the neighborhoods.

Gravel mining commenced at the site in 1830, the city annexed the property in 2007, the school opened in 2008, and the NYS Department of Environmental Conservation (DEC) approved the landfill application in 2012 despite considerable local opposition.

David said Rensselaer County Legislature Chairman Mike Stammel has said we do not know what is in the shredded materials allowed into the dump and the environmental impact statement did not address the interference the dump would have with other Rensselaer city projects.

David said DEC approved a five-year dump permit renewal in 2017 without holding hearings. This year waste has frequently blown off the dump property. David photographed a bio-hazard bag. Trucks begin driving through downtown Rensselaer just after 6:30 am. The permit, he said, expires in 2022, and the permit ignores the close proximity of the dump to the school.

Among the many hazards are hydrogen sulfide and other odors, a widely visible and growing ugly dump, blowing trash, diesel pollution, dust and debris from trucks, and noise. Dump odors, he said, are now being logged via emails on a Rensselaer County government website (DunnDump@renesco), while another site--ItStinks.org--will soon be activated.

David said sheet-rock breaks (become friable) when dumped. He showed graphic photos of dense dust clouds from the dump onto the school property taken by a teacher through her classroom window. He said no one knows what is in the dust. Students (children) play outside even on windy, dusty days. David said the Rensselaer school district superintendent recently announced a new high wind protocol: students will remain indoors on windy days.

David said the Times Union has often reported about the dump, the dump is visible from I-90 the dump is being rapidly increased in size, the waste blows into the cemetery and often gets caught in a net designed to block it.

Lou Sebesta, who lives along the truck

# DEC is Derelict its Duty — Not Requiring Preparation of Environmental Impact Statements

by Tom Ellis

A growing problem in the capital region and probably elsewhere in New York is that large or gigantic proposed projects, many with potentially enormous environmental impacts, are passing through the NYS Department of Environmental Conservation's (DEC) regulatory system without environmental impact statements (EIS) being produced, as required under the State Environmental Quality Review (SEQR) Act.

DEC is playing a huge role in this problem. I first noticed it in 2005 when DEC issued a negative declaration allowing Lafarge to avoid preparation of an EIS for Lafarge's proposal to burn 4.8 million whole tires per year in its cement factory in Ravena. I was stunned at DEC's irresponsibility. I repeatedly insisted an Environmental Impact Statement was legally and morally required due to the enormous size and scope of the project and that Lafarge is located directly across Route 9W from the Ravene-Coeymans-Selkirk Middle and High Schools. At one public hearing, when I raised this issue, about half the remaining speakers also demanded an EIS.

DEC pulled similar stunts twice in Albany

early this decade when Global Partners (1) sought DEC permits to double (to 1.8 billion gallons per year) the quantity of oil it desired to transport via rail through downtown Albany to the Port of Albany and (2) two years later when Global Partners proposed to construct a 2600 square foot facility with at least four massive boilers to heat the crude oil so it could more easily be loaded from rail cars on to ships for export. Both times (2011 and 2013) DEC issued negative declarations meaning DEC had concluded these projects were unlikely to have any significant impacts worthy of extensive study.

I do not understand how DEC can assert that burning millions of tires per year in a cement kiln adjacent to two schools or transporting hundreds of millions of gallons per year of gassy oil through crowded down-towns are of such minor importance that no environmental impact statements are required. Surely DEC is both setting a bad example that local governments are noticing and placing the public at enormous and unnecessary risk.

More recently local governments are getting into the act. The Town of Schodack has issued a negative declaration for a proposal by Amazon to construct a one-million square foot warehouse costing \$100 million on Route 9. A citizens group, the Birchwood Association, does not oppose the project, but insists an EIS is legally required. The Birchwood Association is concerned

about water supply, truck traffic, and public safety and is suing the town to obtain the EIS.

Finally, there is the City of Rensselaer, one of the most perpetually mismanaged municipalities in the country. City residents and public school students have been under attack for four years by the giant Dunn construction and demolition debris landfill that blows dust, nasty odors, and who knows what else through the city, an adjacent school and cemetery, and an East Greenbush neighborhood. The dump has considerable truck traffic that passes through the downtown each weekday.

Last year, BioHiTech applied to the city for permission to construct a large solid waste processing facility on the former BASF industrial property, a few blocks south of downtown Rensselaer. If approved, more than 100,000 tons of municipal wastes would be trucked into the site each year, for perhaps many decades, to be shaped into packets about the size of a cigarette pack, and then trucked to a cement kiln in Pennsylvania where it would be burned as fuel.

Last summer, Rensselaer's planning board issued a negative declaration, thus allowing the project to move forward without any EIS. This came despite the considerable concern among Rensselaer residents about the existing large smelly dump and its high volume of downtown truck traffic, that the BASF property is an inactive

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## *Done with Dunn continued from page 2*

route, showed videos and photos of truck convoys coming up and down the Partition Street hill that crests in front of his house. Truck traffic begins on winter days before sunrise. He said a truck census he conducted a few weeks earlier showed eleven inbound trucks drove past his house between 6:41 and 6:44 a.m., trucks have up to seven axles and shake the foundations of houses.

Lou said that in all three truck censuses he has conducted (one each spring in 2017, 2018, and 2019), the majority of trucks leaving the dump were uncovered. He showed photos of children waiting for school buses on street corners while the trucks pass by. The noise of the trucks, he said, "is deafening at street level." A school bus stop at Sixth and Partition Streets is especially dangerous, he said.

The dump owners, he said, are raking in millions of dollars annually, DEC fines are small or tiny, a "cost of doing business, a slap on the wrist, no deterrent." Each of the three census counted between eighty and ninety-nine trucks going each way. (Full disclosure: I worked with Lou and others on all three dump census.)

Lou described ongoing and upcoming activities. He said Rensselaer residents filed Free-

dom of Information Requests (FOIA) in March seeking data on how much money the city and school each receive from the dump owners. He said (1) he and his colleagues work with former EPA regional director Judith Enck; (2) met with David Carpenter, a public health physician and Director of UAlbany's Institute for Health and the Environment; (3) the community groups meet on the fourth Thursday of each month; (4) Mike Stammel will hold a public news conference on June 8; (5) he (Lou) desires a "meaningful" noise survey; and (6) city residents hope to soon meet with the new NYS Attorney General.

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**George Keleshian** spoke about his own business after thanking Lou Ismay for his tremendous success cultivating leaders among many SUNYA students, himself included. He mentioned how SUNYA students sued Tobin Packing Co. Lou Ismay said federal law forbids polluting a harbor, and both students won sufficient money to finance their graduate educations.

George said his business includes among its employees, engineers, architects, energy consultants, and alternative and renewable energy manufacturers. He said they are "the best in the world."

Among the buildings he has built (George showed slides and provided many details) are the 17,000 square foot Halfmoon Town Hall, a 5200 square foot Agway building in Syracuse, a zero energy building in Pennsylvania, and houses constructed for \$43 per square foot. He is now building the first zero energy restaurant in the United States.

George insisted that before any one installs solar panels on a building, it is vital to reduce the kilowatt hours and BTU used in the building so as to not install unnecessary equipment. Energy payback times are now 4-5 years for commercial buildings and less than six years for residential structures. Georges said placing white reflective roofs on buildings can reduce energy needs by more than 1/4.

He said "we must get away from old dinosaur technologies: nuclear, oil, coal, fracking," and the NYS Energy Research and Development Authority (NYSERDA) should be split into two parts: one for the old technologies, the other for the new ones. He urged listeners to not drink bottled water from soft plastic bottles; hard plastic and stainless steel are much safer. Concluding his short presentation, he excitedly said great new technologies are being developed practically every month.

# Albany Now a Pollinator-Friendly County

by Grace Nichols

On May 13, 2019, Save the Pine Bush, Environmental Advocates of New York, Radix, beekeepers, farmers, the League of Women Voters, the Working Family Party, the Upper Hudson Greens, and many other activists, joined Grace Nichols and six county legislators who sponsored the bill, to speak out for a policy to address insect declines. County Executive Dan McCoy signed in it law the following week.

As we know, butterflies, bees, wasps, moths, dragonflies, damselflies, dung beetles, and flying insects collectively are experiencing massive declines across biological taxa, resulting in a 45 percent decline in total flying insects in North America. Insectivorous birds numbers have dropped 33 percent. This is a threat to

agriculture. More broadly, it threatens the food chain, as insects are an important food source for many species.

Our Resolution requires the county to plant native host and nectar plants along the side of county roads, in county parks and along the rail trail. It encourages conservation easements and requires a review of any pesticide use, to phase out the worst ones; it requires the county to inform citizens as to where to buy plants and seeds uncontaminated with neonicotinoid pesticides — which wipe out insects, and how to get organic produce. It also requires the county to publish lists of appropriate plants to host butterfly and moth eggs, and plants to feed nectar and pollen-eating organisms.

A special thank you to County Legislator Doug Bullock who introduced and carried this Resolution through the process, and Lynne Leka-

kis, Rick Touchette, Bill Reinhardt, Chris Higgins and Joanne Cunningham who co-sponsored.

We are now undisputed leaders in invertebrate conservation in the state of New York. But we want other counties to compete, and pass even stronger biodiversity protections in this mass extinction crisis.

We need your strong citizen voice in support of Biodiversity and the Survival of the Food Chain.

**Link to Resolution:** <https://docs.google.com/document/d/1MTqgWOWoFp8OrbHfUI7FONJ3110Kepu0xH9bYwQHMYE/edit?usp=sharing>

## Radio Show on Pollinators:

<https://soundcloud.com/mediasanctuary/nichols-pollinator-852-news-5-15-19>

## Albany County passed this Resolution. Your County can propose a similar Resolution.

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Last summer, Rensselaer’s planning board issued a negative declaration, thus allowing the project to move forward without any EIS. This came despite the considerable concern among Rensselaer residents about the existing large smelly dump and its high volume of downtown truck traffic, that the BASF property is an inactive hazardous waste site, located only a few hundred feet from the Hudson River in a flood plain.

When I contacted DEC urging DEC to instruct the town that an EIS is legally required, DEC Deputy Regional Permit Administrator wrote to back on February 20 saying: “The City of Rensselaer Planning Commission has declared themselves Lead Agency for the State Environmental Quality Review Act (SEQR) processes on this project. The Planning Commission has determined this to be a Type 1 action under SEQR (6NYCRR Part 617) and has coordinated

review with all involved agencies. The Planning Commission, as Lead Agency, has determined that there is not a need for an Environmental Impact Statement and has issued a Negative Declaration as their SEQR determination. As an involved agency, DEC has no authority to require an Environmental Impact Statement or change the SEQR determination.”

In my March 16th response, I wrote: “As part of DEC’s review of BioHiTech, will the combined impacts of the two projects [the Dunn dump and BioHiTech] be considered? How will this be done? How can the public be certain DEC will do it? Can the public participate in this process? Is DEC willing to meet with my colleagues to discuss this? And if the proposed one-million square foot Amazon distribution center in Schodack is approved, a third source of heavy truck traffic might be experienced by Rensselaer residents. A negative declaration for this giant project was also issued. Will the com-

bined impacts of all three projects be addressed in DEC’s review of BioHiTech?” I have so far received no response from DEC.

Even if DEC is without legal authority to instruct a local government to require an EIS, DEC should have enough sense to recommend one. The existing New York State regulatory approach allows DEC and local governments to issue negative declarations for large projects in clear violation of SEQR intent: that major projects must be carefully examined with meaningful public participation before going forward. DEC’s regulatory practices lack transparency and leave the public with no confidence or proof that environmental reviews are truly complete or that DEC is protecting the public health and environment. The public needs and deserve much higher quality government. The public needs to be certain that a thorough and inclusive review process examining all potential issues will occur.

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