

Stephen J. Feeney, Chairman – Town of Guilderland Planning Board
Town Hall | Route 20
PO Box 339
Guilderland, New York 12803

RE: City of Albany’s Comments on the Rapp Road Residential / Western Avenue Mixed Use
Redevelopment Projects Draft Environmental Impact Statement

Dear Chairman Feeney:

The many members of Save the Pine Bush, were dismayed to read the City of Albany’s May 13, 2020 letter regarding the “Rapp Road Residential / Western Avenue Mixed Use Redevelopment Projects Draft Environmental Impact Statement”. **We strongly concur with Albany Pine Bush Commission, that Alternative 1 would be an an ecological disaster and must be be vigorously opposed at all levels of government and community advocacy.**

In the letter, the City of Albany writes in support of Alternative 1:

“The City proposed a bypass (Alternative 1) which we felt solved the issues related to the Rapp Road and its inability within the Historic District to accommodate increases in traffic. This alternative was intended to allow for future growth. By August 2019, the SEQRA process was restarted to incorporate COSTO and associated gas stations. It is likely, this is not the end of the expansions within the Crossgates / Pyramid parcels.”

“The City understand that this alternative would impact an area noted in the Pine Bush 2017 Management Plan Update as recommended for full protection. However, in balance with the need to protect a significant cultural and historic area, provide for continued economic development of the area, protect the quality of life of the residents in the area, and continue to protect the the Pine Bush area, we feel this Alternative is clearly the best one and the only one which accomplishes all of those objectives. The area required for this alternative represents a small fraction of the total land area recommended for full protection.”

Here is how the DEIS describes the Rapp Road Bypass, as put forward by the City of Albany.

Alternate 1- Relocated Upper Rapp Road to East (“Eastern Bypass”)

- Construct two way relocated Rapp Road shown in Section 9, Figure 16 and Appendix I.
- The Eastern Bypass would be located on private property within the City of Albany on tax map numbers 52.02-1-16, 52.06-2-35, 52.06-2-29.1, 52.06-2-33. The bypass would connect on the north at the existing Springsteen Street, near South Frontage Road, traverse to the south and then west to connect at Rapp Road, north of the National Grid right of way.

- The Eastern Bypass would be purchased by and dedicated to the City of Albany for highway purposes.
- Modify Rapp Road to include two cul-de-sacs on the north and south ends of the existing Rapp Road.
- Install proper traffic signage and traffic controls to accommodate Eastern Bypass and the two cul-de-sacs.

Alternative 1 is Completely Unacceptable to Pine Bush Advocates

This alternative is **completely unacceptable** to the Save the Pine Bush, along with most advocates for protection of the Pine Bush (see Map 1 on Page 9). Specifically we note,

- **This proposal would create a major new north-south highway in Albany Pine Bush**, between US Route 20 and Washington Avenue Extension, only feet away from the butterfly corridor.
- **This proposal would lead to bulldozing and road building on over 2 acres of largely-intact Pine Bush recommended for Full Protection for a busy new arterial highway.**
- **The Rapp Road bypass would send potentially thousands of cars per day across the Butterfly Corridor easement, increasing** automobile and truck exhaust belched into the Butterfly Corridor easement, along with significant road noise.
- The entire “Recommend for Full Protection” Parcel 62 is **within 500 feet of the proposed new Rapp Road Bypass**, and the proposed road would permanently develop roughly 2 of the remaining 12 acres (see Buffer Map 2 on Page 10).
- This proposal would greatly **increase traffic crossing the butterfly corridor between Gipp and Pine Lane** which is problematic for wildlife crossing the area.
- **This proposal will garner significant community opposition from Pine Bush advocates**, and will require a full environmental impact statement and Endangered Species take permits by the City of Albany, potentially leading to years of delay in it’s city environmental review and construction.

Albany Pine Bush Commission’s Technical Commission believes Alternative 1 would be devastating for the Albany Pine Bush

On October 7, 2019, the Albany Pine Bush Commission came out strongly against Alternative 1 for Northern Rapp Road. *“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.”

The commission notes the Rapp Road Bypass would lead to:

- *“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 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. [emphasis added]**”*

Furthermore from the Commission’s October 7, 2019 letter, *“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.*

*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. [emphasis added]**”*

“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.”

Even the city’s own engineers concedes that Alternative 1 would be very bad for the future of Albany Pine Bush. In the city’s own words on Page 2 of the City’s May 13th letter: *“The City understand that this alternative would impact an area noted in the Pine Bush 2017 Management Plan Update as recommended for full protection.”*

**Developer Rapp Road LLC also Opposes Alternative 1
as bad for the Albany Pine Bush**

Indeed, in as Rapp Road Development, LLC says this alternative is problematic, and should be rejected, as stated on on pages 90 and 91 of the Draft Environmental Impact Statement.

“While shifting traffic from Rapp Road to the Eastern Bypass would provide a decrease in traffic on Rapp Road, the land upon which the Eastern Bypass would be located is identified as Area 62 in the Albany Pine Bush Preserve Commission’s 2017 Management Plan. Area 62 is designated as “Full Protection” meaning the land has been determined to contain or serve some environmental and ecological resources or purposes important to the Pine Bush Preserve.”

“As part of the Rapp Road residential project, the project sponsor has proposed to convey this land to the Pine Bush Commission for management purposes as part of the Pine Bush Preserve. The Karner blue corridor area has been established and part of the planning and management for the preservation of the Karner Blue butterfly for decades immediately adjacent to such Eastern Bypass road. If the Eastern Bypass is constructed, this environmental benefit would not be possible and/or the benefit significantly diminished.”

*“The new road and cul-de-sacs would potentially impact linkage for the Karner blue butterfly in this area contrary to the Management Plan. **On October 7, 2019, the Pine Bush Preserve Technical Committee commented that this alternative is not acceptable as being contrary to the Pine Bush Management Plan. (emphasis added)** In this alternative, traffic would be shifted from the front of the existing homes on the east side of Rapp Road to the rear of these homes.”*

City of Albany Traffic Engineers Find Rapp Road Residential Project and Costco
WILL Induce Traffic on Northern Rapp Road, including crossing the Butterfly Corridor

Save the Pine Bush agrees with the Rapp Road Historical Association and the City of Albany that the proposed Rapp Road Developments would increase traffic through the historic district. As the City describes on Page 2 of the letter:

“Based on a review of the trip generation estimate and methodologies, our traffic consultants believe that the trip generation has been over estimated during the AM peak hour and under estimated during the PM and Saturday peak hours. Their trip generation estimates is as follows:”

- *150 fewer trips during the AM peak hour*
- *90 more trips during the PM peak hour*
- *220 more trips during the Saturday peak hour*
- *The distribution of traffic traveling through the City of Albany is expected to be higher than presented in the traffic study. Specifically, the TIS estimates that 20% of the Rapp Road residential project will go through the City but only 10% of the traffic from Costco and the mixed-use project. It’s likely that the Costco and mixed-use traffic will be closer to 20% like the Rapp Road residential project.*
- *Based on the trip generation and trip distribution changes, the increase in traffic through the City of Albany will likely be higher than presented in the traffic study.*
- *An estimate of the number of site-related trips that will travel through the City of Albany will be provided for each of the roadway alternatives as part of the detailed review.”*

These increases in traffic are extremely problematic to Save the Pine Bush. For one, it will further deteriorate the butterfly corridor crossed by a wide variety of endangered and threatened, along with other native species. **Building Alternative 1 will induce potentially hundreds of additional trips per day along Rapp Road, leading increased morality of wildlife.** Increased automobile crashes with deer, turkey and other large species, will increase greatly costs to local police forces, as they are dispatched to provide residents with collision reports and dead deer tags.

A Karner Blue Endangered Species Take Permit Will Be Required for Alternative 1

Save the Pine Bush believes **Alternative 1 WILL require a take permit under the Endangered Species Act**, due to increased morality of endangered species including the Karner blue Butterfly, opening the city up to costly permitting, approval and litigation delays.

Discouraging Traffic on Rapp Road is Save the Pine Bush's Goal

Save the Pine Bush is generally supportive of any of the alternatives that **reduce traffic along Rapp Road**, such as those described in Alternatives 4 and 5. These alternatives call for:

Alternate 4 – Southbound only on “Middle Rapp Road”

Alternate 5 – Closure of Rapp Road at northern access to Rapp Road project driveway and Gipp Road.

The city believes these alternatives are impossible due to “difficult enforcement without physical barrier”.

We think it's a mistake for the city to dismiss it's broad traffic enforcement powers, especially in the era of automated traffic enforcement such as a cameras and license plates readers. Similar to what the City does with Red Light Cameras, a license plate reader could be installed on Rapp Road to prevent vehicles violating, “One way”, “Do Not Enter” or “Emergency Vehicle Only” signs. Motorists who ignore these signs could be summoned to court via mail and have their licenses suspended should they fail to respond to the traffic summons.

Additionally, Rapp Road has a large pull over that is screened from motorists for conventional police enforcement. The city could easily undertake an aggressive enforcement effort to discourage violators of traffic law. Motorists ignoring the signs could be cited or even arrested and cars impounded by local police. We note, existing city law prohibits motorists from driving on Albany Pine Bush lands, including the Karner Butterfly Preserve. **This law allows for the city to impound violator's vehicles, along with the possibility of a \$500 fine and up to 14 days in jail.**

Additional Alternatives for North Rapp Road That Should be Considered in the DEIS

We think additional traffic calming measures, not considered by Rapp Road Development, LLC or the City of Albany, could further slow and discourage traffic on Rapp Road – and improve wildlife crossings over the Butterfly Corridor.

Proposed Alternative 10: Convert Rapp Road to Historically Accurate Sand Road between Gipp and Pine Lane

Until the 1960s, most of Rapp Road was a sand road. Restoring it to a sand road would slow and discourage motorists from crossing this way. Sand roads typically rough and jarring to motorists, especially urban commuters. Sand roads are subject to icing in the winter, mud and potholes in the spring, and severe washboarding in the summer. Washboarding is when an overly dry dirt road is pounded by vehicles, creating a surface similar to a washboard. It forces very slow driving, and is very taxing on automobile suspensions of motorists who speed.

A sand road would be highly beneficial to the Pine Bush ecosystem. It would allow a wide variety of wildlife to cross the butterfly corridor in an close natural status. A low speed limit, such as 10 miles per hour, could be posted on this ‘rough’ section of sand road crossing the butterfly corridor. Rough sand roads have self-enforcing speed limits. To protect the sensitive ecosystem, no salt should be used on this road, and native species including pitch pine, scrub oak and lupine should be planted along this section of narrowed road.

We think this plan would work well with Rapp Road LLC’s proposed “Alternate 6 – Gipp Road Realignment”, which proposes to move Gipp Road further south to align it Crossgates Mall Ring Road and could potentially expand the Butterfly Corridor. A longer sand road, along with wider butterfly corridor would be beneficial for highly wildlife.

It should be noted this sand road proposal simply discourages motorists, it does not prohibit them. It allows for the passage of all city vehicles, including emergency vehicles.

Proposed Alternative 11: Narrow Rapp Road to a Historically Accurate Single-lane Ten Foot Lane between Gipp and Pine Lane

Consider restoring the road to a historically-accurate 10-foot wide, one lane, two-way road between Gipp Road and Pine Lane. Boulders or a wood-capped steel guard-rail, as allowed under the Manual of Universal Traffic Control Devices (MUTCD), could be place to ensure traffic remains in the single 10-foot wide roadway. An example of what Rapp Road looked like in 1952 can be found on page 12.

A narrow road would provide for easier wildlife crossings, and be very beneficial for the butterfly corridor.

To permit two-way traffic, “Stop” and “Traffic Must Alternate” signs would be placed at Gipp Road and Rapp Road, along with Pine Lane and Rapp Road. These signs are permitted per MUTCD and are frequently used in rural areas where the road is restricted to a single lane due to construction or a wash-out (Proposed Alternative 11A).

Alternatively, a traffic light could be placed at both sides of one-way section of Rapp Road. The traffic light could have a signal time of 2 to 3 minutes in each direction to discourage people from crossing this way. A one minute “all red” signal could be used to permit wildlife crossing, during each cycle. Signs could be posted on both ends of Rapp Road that say, “Avoid Rapp Road – Expect Lengthy Delays”. These lengthy delays would encourage commuters and shoppers to instead choose to Crossgates Mall Road. (Proposed Alternative 11B).

Traffic signals could be timed to avoid delays with city trash trucks in the early morning hours and/or city vehicles could be equipped with extended green infrared transmitters, similar to what exists on CDTA’s Bus Plus. Emergency vehicles are already allowed to ignore traffic signals.

Proposed Alternative 12: Consider Both a Sand Road and One Lane 10-foot wide, Two-Way Rapp Road

If traffic is to be allowed on Rapp Road to continue to cross the Butterfly Corridor, the best solution from an ecological, historical, and traffic stand point is to have traffic delayed and slowed on a narrow, sand road crossing. Combined with “Alternative 6, Gipp Road Alignment” this would be the most ecologically and historically sensitive option outside of a complete closure of Rapp Road between Gipp and Pine Lanes.

Animals are much more likely to safely cross a road that is only a single 10 foot wide lane, where traffic is slow, alternates, and the surface is sand. This proposal maximizes the deterrent value of traffic passing along Rapp Road, while allowing emergency vehicles and other motorists to occasionally pass through this way for tourism purposes.

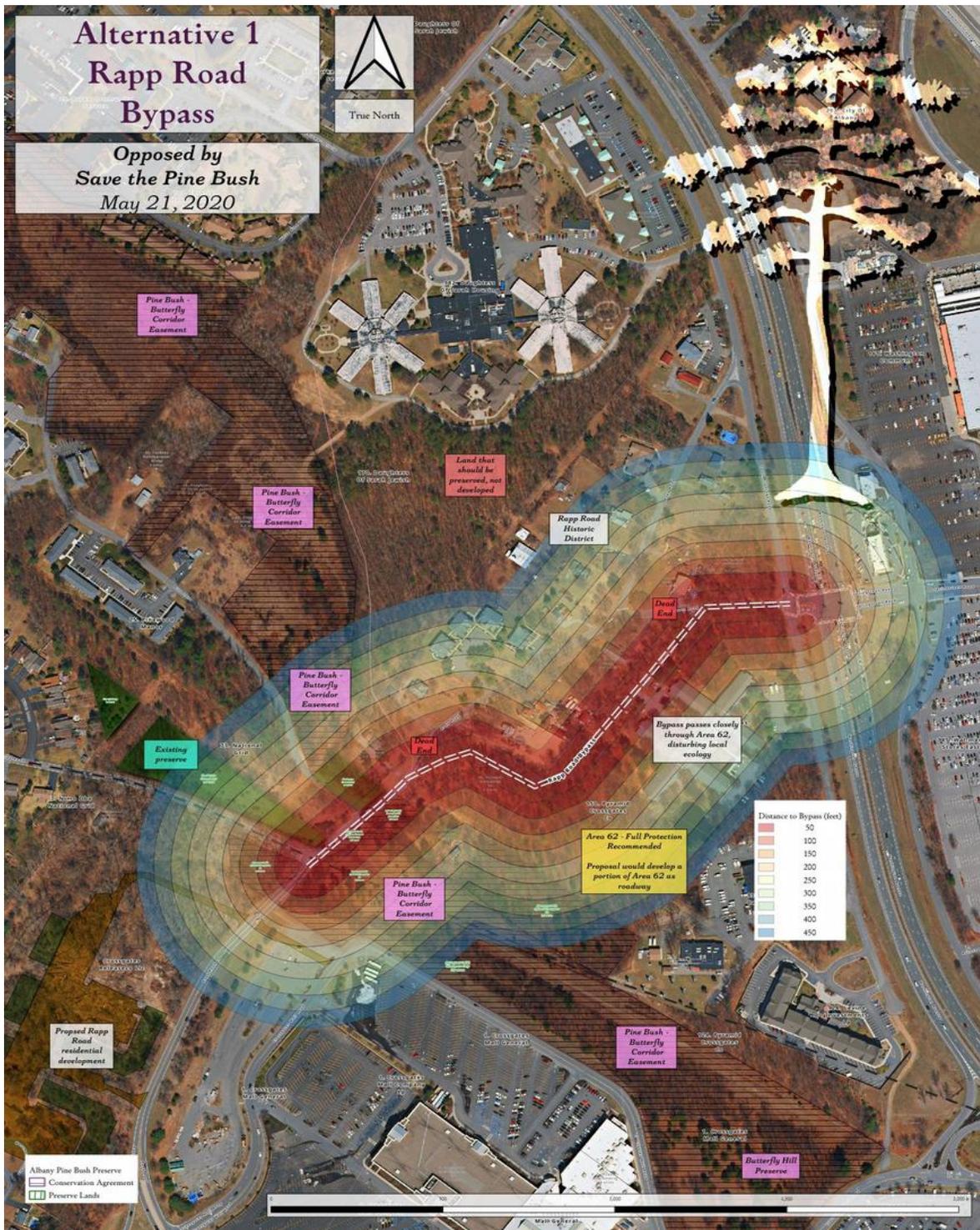
An example of what Save the Pine Bush’s Proposed Alternative 12 would look like is shown on Map 3, Page 11.

Best for the Pine Bush: Don’t Build the Rapp Road Apartment Complex or the Costco

While traffic calming measures, such as an alternating direction narrow road or historical sand road across the Butterfly Corridor is one way to help protect the Pine Bush ecosystem and the Rapp Road Historic District, the best solution for the Pine Bush would be to reject the proposed Rapp Road Apartment Complex and Costco in it’s entirety and dedicate these lands to the preserve.

Sincerely,

Andy Arthur for
Save the Pine Bush



Map 2 - Alternative 1 runs through the Butterfly Corridor and Through Area 62 (Full Protection Recommended)



Map 3 – Rapp Road, SPB Proposed Alternative 12, Historically Accurate, Alternating Traffic Sand Road



Map 4 - Rapp Road, a narrow sand road back in 1952