



Save the Pine Bush

June/July Newsletter

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Save the Pine Bush Zoom Meeting

Wednesday, June 22, 2022, at 6:30 p.m.

Tom Ellis

Educator, Speaker, Activist

Saving the Adirondacks; Saving the Pine Bush

Long time educator and SPB member Tom Ellis of Albany will discuss land preservation in the Adirondacks and the Pine Bush. Tom's talk is a follow up to his May 24 Friends & Foundation of Albany Public Library-sponsored review of Brad Edmondson's 2021 book, *A Wild Idea: How the Environmental Movement Tamed the Adirondacks*, which describes the creation of the Adirondack Park Agency fifty years ago.

How to Join the Zoom Meeting

A link to the Zoom meeting will be posted on the Save the Pine Bush website at savethepinebush.org/zoom.html. Or click <http://savethepinebush.org/z> for a direct link to Zoom. Or call into the meeting at (929) 205 6099. **The Zoom meeting will open at 6:00 PM for anyone who wishes to socialize prior to the presentation, Also, you may call or text (518)366-7324 for assistance.**

See you online at 6:30! • Everyone is welcome!

Pine Bush Hikes Are Back!

A Starry Night Hike

Thursday, June 23, 2022 at 7 PM

Meet at: Albany Pine Bush Discovery Center, 195 New Karner Road, Albany, NY

Leader: Andy Arthur • **For More Information:** (518) 281-9873

Celebrate the start of summer with a 2 mile hike listening to spring peepers, watching birds and butterflies, and observing the stars from Overlook Dune. Bring water, a flashlight and tick repellent.

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

www.savethepinebush.org

Practical Steps We Can Take to Save Our Climate

by Tom Ellis

ALBANY, NY: Tina Lieberman and Bill Reinhardt spoke remotely at an Earth Day April 20 SPB meeting about practical steps we can take to reduce carbon emissions and save our climate.

Lynne introduced the program and Carole Waterman the speakers.

Tina spoke first, then Bill, each then took turns, with finally a discussion attendees joined in.

Tina is the Vice-Chair of the Albany Sustainability Advisory Committee. Bill is an Albany County legislator and Co-Chair of Solarize Albany. Tina and Bill are founding chairs of the Capital District Community Energy, Inc.

Tina said the NYS Energy Research and Development Authority (ERDA) has a Clean Energy Communities program.

The City of Albany, she said, conducted a

continued on page 2

Close Waste Connections Dunn Construction and Demolition Debris Dump!

by Tom Ellis

RENSSELAER, NY: Rensselaer and East Greenbush (R&EG) residents continue organizing to close the Waste Connections (WC) Dunn construction and demolition debris dump. The overarching issue is the dump is sited in a major population area and thus affects many people. It is located next to the Rensselaer public school campus and in between R&EG neighborhoods. Tractor trailers--sometimes in convoys--traverse downtown Rensselaer streets every weekday from 6:30 a.m. until late afternoon, ruining the health and quality of life for many residents.

The Rensselaer Environmental Coalition (REC), of which I am a member, held a community meeting on May 19 attended by more than 100, in-person and virtually. REC updated attendees about ongoing dump pollution and the latest developments, and provided information about how to give oral and written comments

continued on page 2

Practical Steps continued from page 1

greenhouse gas inventory that determined buildings, transportation, and electricity contributed 40, 37, and 12 percent, respectively to the city's greenhouse gas (GHG) emissions.

She said the 2019 NYS Climate Leadership and Community Protection Act (CLCPA) provides benchmarks to achieve GHG reductions from 1990 levels of 40 percent by 2030 and 85 percent by 2050.

Tina said three organizations offer programs and options for homeowners to solarize their homes: Community Solar, Expanded Solar For All, Solarize Albany. Bill mentioned the 26 percent federal tax credit for systems installed 2020-2022 and said New York has a 25 percent tax credit up to \$5000. Information can be found at solarizealbany.org.

Bill said electrifying homes and transportation will lead to overall increased electricity use unless we vastly increase energy efficiency. He said free home energy audits are available (heatsmartcapitalregion.com) and one program with income limits for participants will pay 100 percent of costs up to \$10,000.

Bill said 70 percent of the energy produced worldwide is lost as waste heat. He said home heat pump conversions should incentivize the needs of tenants and ground source heat pumps are much more efficient than air source heat pumps. Incentives vary by utility, he said, for heat pump water heaters.

Tina discussed electrification of appliances saying induction cooktops have no harmful fumes or particulate matter, allow for faster cooking, stove surfaces do not heat up, and there are no open flames.

She said heat pump dryers are 30-50 percent more efficient than existing models, dry clothes at lower temperatures but takes longer to do so, and reuse air. Tina said LED lighting uses one-tenth the electricity of incandescents and one-third that of compact fluorescents. She said National Grid is marketing smart thermostats.

Other ways to reduce GHG emissions, Tina said, are to wash clothes in cold water, seal around windows and doors, drive less, plan trips, and use public transit. Plug electronics into power strips and turn off the strips when not in use to eliminate energy use when the electronics are turned off.

She said electric vehicles and plug-in hybrids are eligible for federal tax credits up to \$7500, and New York has a \$2000 rebate. Some vehicles, she said, have up to a 300 mile range in warm weather but less in winter or if the air conditioner is on. EV have fewer moving parts, are more expensive to purchase, but may cost less over the life of the vehicle compared to gas-powered cars.

Tina said food wastes generate eleven percent of GHG emissions in the US and have many costs: water, labor, time, energy, packaging. People can buy less, donate left overs, and compost the rest. Compost is Black Gold — the best fertilizer, she said. Tina said increasing numbers of free compost drop-off sites are available and The Radix Center and Food Scraps 360 have programs.

Bill discussed reducing agricultural GHG emissions. He urged people to consider eating less meat and dairy, and more vegetables; buy and grow local, grow your own, and do not let perfection become the enemy of the good.

Tina urged listeners to consult the Zero Waste Capital District website for ideas. Bill said calculating and minimizing miles food travels is complicated. An 18-wheeler may be more efficient than a pick-up truck. He said the globalization of supply chains has failed to prevent wars, globalization as a model is dying, localization is the future.

During the questions and comments, Mark Schaeffer said tenants get the benefits of weatherization while landlords endure the costs. Bill responded that split incentives are an issue, but weatherized apartments become more attractive for tenants. Bill said there is a critical role for government in solving GHG problems in multifamily and new construction. New York City, he said, has enacted laws to electrify new construction and similar laws will appear elsewhere. Existing boilers, he said, will be replaced with electric models and regulations will be needed to achieve GHG goals.

Lynne Jackson asked about retrofitting 120-year-old house buildings broken into small apartments. Bill responded that geothermal systems are usually whole building units where heat from the ground is transferred into air ducts. He said contractors can use Google to examine buildings prior to arriving on site, and, with heat pumps, and through-the-window air conditioners are not needed.

The Sheridan Hollow neighborhood, he said, is being considered for a community wide geothermal system and the economics can make sense if multiple buildings are done together. The up-front costs are large but cleaner air results when old boilers are replaced. He said a geothermal district would likely need to be created legally.

Tina said e-bikes and e-scooters are becoming more common. Bill said charging EV remains a problem for people without driveways or garages but some charge at their work sites. One person said he knows someone who charges an EV overnight at no cost and can then drive 200 miles for less than \$1.

Bill said charging wireless plates may soon

allow vehicles to automatically take electricity from the plate while parked or while driving on plated roads. He said many European cities are compatible for bicycles, and e-bikes allow people to keep riding as they age. He said e-bikes will become more popular in US cities as will ride share e-bikes.

Mark Schaeffer said CDTA will soon have electric scooters. He said the climate crisis is a global emergency, a Code Red for humanity, and a point of no return is approaching if we do not soon act; we are driving in a fog toward a cliff we cannot see and we have 25 years to transform our planet's economy. Mark said NYS spends \$39 billion annually on imported fuels and we need to retrofit every building by 2030.

Tina said ours is the final generation to have a stable climate.

Close Dunn continued from page 1

during the permit renewal process, including at the upcoming June 14 Waste Connections Environmental Justice meeting and future DEC (NYS Department of Environmental Conservation) public comment period and hearings.

Waste Connections applied to DEC in January for a dump permit renewal. DEC determined the application to be incomplete, WC resubmitted, and DEC replied in late March that the application remained incomplete.

WC is attempting to limit DEC's permit review to one issue: a berm WC hopes to construct between the dump and the school. This is problematic for many reasons:

- WC may try to ignore all other concerns raised by dump opponents at its June 14 environmental justice meeting and later.
- Several times in recent years, DEC officials, including the commissioner, wrote or said, DEC would treat any renewal application as a new application.
- In 2012 when DEC approved the initial dump application (the dump opened in January 2015), DEC committed regulatory malpractice. DEC allowed WC to review the public comments submitted in opposition to the dump; DEC apparently never reviewed the WC responses for completeness and accuracy. DEC then issued the dump permit based on the deceptively flawed WC analysis.

One example of this is that WC denied that the dump would be sited right next to a brand new school even though this was a major concern raised by the public. DEC accepted this incredibly important misrepresentation and licensed the dump.

The point here is that the original dump approval was massively fraudulent in

continued on page 4

What is Full Protection, Partial Protection and who is the Pine Bush?

by Lynne Jackson

The Albany Pine Bush Preserve Commission

The Albany Pine Bush Preserve Commission was created by the NY State Legislature in 1988 in response to Save the Pine Bush's successful lawsuits in the 1980's. The Commission has eleven members, seven members are established by law and include the mayor of Albany, and the Town Supervisors of Colonie and Guilderland, plus other members. Four members are private citizens appointed by the governor. No active member of Save the Pine Bush has ever been appointed to the Commission.

The Environmental Conservation law specifically outlines the duties of the Commission, which includes fire management of the preserve and other management actions. The Commission can purchase land to add to the preserve. Currently, the Commission employs over 20 full-time staff.

In contrast, Save the Pine Bush owns no land in the Pine Bush, nor does Save the Pine Bush work on managing the preserve. The advocacy work of Save the Pine Bush is done with volunteer labor.

Save the Pine Bush has sued the Albany Pine Bush Preserve Commission three times; once over the Commission's management plan, and two more times to make the Commission perform controlled burns.

Full Protection — Partial Protection and the Management Plan

When the Commission was established, it was tasked with creating a management plan for the preserve and revising and updating the plan every five years. As a result of Save the Pine Bush's first lawsuit against the Commission, the Commission added detailed criteria as to how to achieve a preserve that would ensure the survival of the Pine Bush ecosystem. The current 2017 Management Plan Update creates a goal of a preserve size of 5,380 acres.

The management plan includes an analysis of the ecological communities in the Pine Bush and an analysis of the plants and animals in the Pine Bush. The plan has a scoring system for the protection criteria. Then, the plan ranks every privately owned parcel of land in the Pine Bush ecosystem as to its importance for protection.

The plan makes a distinction between recommended for "Full Protection" and recommended for "Partial Protection." The plan defines Full Protection as "protection of undeveloped portions of designated areas in their entirety."

Partial protections is defined as "indicates that protection of some portion of an area is appropriate" and "in general it should be assumed

that partial protection implies protection of at least 50 percent of an area so designated."

Save the Pine Bush does not recognize the partial protection category. We believe all of the remaining privately-owned Pine Bush should be purchased and added to the preserve.

Full protection is land *recommended* by the Commission to be added to the preserve. The Commission can only work with willing land owners. If the owner of the land does not want to sell to the Commission, nothing can make them sell. The Commission has no power of eminent domain,

This is why developers can propose and can build in full protection areas. Full protection is only a recommendation of the Commission as written in the plan.

Who is Save the Pine Bush?

Save the Pine Bush started as a group of outraged citizens after a public hearing on February 6, 1978 in the middle of one of the biggest snow storms Albany ever saw. We were so angry that the public hearing was held in the middle of this storm, and then adjourned early due to the weather. We were not invited to attend the continuation of the hearing. Our only recourse was to sue the City of Albany for its approval of the four developments proposed at that hearing.

Unfortunately for the Pine Bush, those four proposed developments were just the beginning. Since 1978, dozens of developments have been proposed. Save the Pine Bush has filed over 30 lawsuits to stop developments.

Save the Pine Bush is all volunteers. We have no staff, no office and no phone. For years, we raised money by having monthly vegetarian lasagna dinners and by small donations. We have never obtained any grants because no grant-dispersing organization funds environmental litigation. We have hired lawyers to represent us and scientists to review environmental impact statements.

Developers, government officials and people conflate Save the Pine Bush and the Albany Pine Bush Preserve Commission. However, we could not be more different. Save the Pine Bush is a group of people who care deeply for the Pine Bush. We are all volunteers, and, because of our advocacy to stop development and preserve land, we still have a Pine Bush today. On the other hand, the Commission was formed by the NY Legislature in response to our litigation. Their paid staff are tasked with creating a plan for the preserve and manage the preserve.

Save the Pine Bush's goal is very simple — to save all of the remaining Pine Bush ecosystem.

ALBANY, NY: Recently, a number of people have asked me why developers can build in the Pine Bush — isn't the Pine Bush protected? This question has got me thinking about how confusing all of the terms used in this fight to save the Pine Bush can be. And, it does not help that government officials and developers don't seem to know either.

The Pine Bush Ecosystem

Let's start at the beginning — the Pine Bush ecosystem. The Pine Bush ecosystem once covered 56,000 acres from Albany, NY to Schenectady, NY. This beautiful land made up of with sand dunes and covered with pitch pine trees, shrub oaks and all kinds of plants and animals was once considered "waste land." One of the first railroad lines was built in the Pine Bush. The historic Maquas Padt (Mohawk path) is in the Pine Bush.

Now, there are approximately 6000 acres of Pine Bush ecosystem remaining or one tenth of its original size. Tens of thousands of acres have been lost to development.

Approximately 3500 acres of the Pine Bush ecosystem has been purchased and added to the preserve. The remaining 2500 acres is privately owned. Private land owners can build what they wish on their land in the Pine Bush ecosystem, as long as they follow local building and zoning codes. There is no protection for this land from development.

Save the Pine Bush's position is that all of the Pine Bush ecosystem should be protected and preserved.

The Pine Bush Preserve

The Pine Bush Preserve is Pine Bush ecosystem that has been dedicated to the Albany Pine Bush Preserve according to Environmental Conservation Law. The law states "Albany Pine Bush preserve" or "preserve" shall mean lands that have been dedicated for preservation in the preserve that are located in Albany, Guilderland and Colonie and which is characterized by the presence of typical pitch pine/scrub oak forest including pitch pine, scrub oak, pine barrens, vernal ponds and/or the presence of sand dunes. In addition, other land which lacks pitch pine/scrub oak forest may be dedicated to the preserve as a protective or buffer zone for other dedicated lands.

To remove land from the Albany Pine Bush Preserve takes two successive votes in the New York State legislature and the signature of the governor.

Small Victory for the Pine Bush!

by Lynne Jackson

VILLAGE OF COLONIE: The proposed South Colonie School Bus garage will not be built in the last remaining undeveloped Pine Bush in the Village of Colonie.

Last May, voters in the Town of Colonie voted to purchase 96 and 100 Broderick Street in the Village of Colonie, consisting of 57 acres of Pine Bush ecosystem. The cost was \$2.05 million. A school bus garage and administrative buildings were to be built. The South Colonie School District was seeking an exemption from local land use and zoning laws arguing that school districts were immune.

On November 1, 2021, the Village of Colonie Trustees held a public hearing on the issue of whether or not the Village Trustees had the jurisdiction to regulate this proposed project or not. Over fifty people attended the hearing. Almost all of the attendees were residents who lived near the site. Four members of Save the Pine Bush were in attendance. A dozen people spoke with eleven of the twelve emphatically opposed to the construction of the bus garage.

The Broderick Street site is rectangular in shape. On the south, the property shares a boundary with the Albany Pine Bush Preserve. The bus garage and administrative buildings were proposed to be built along the southern border, preserving the northeast side which contains a large sand dune. The School District worked with the Albany Pine Bush Preserve Commission to come up with a plan to protect some of the site. The Commission had designated this parcel as "partial protection."

Save the Pine Bush's position is that the entire site should be protected and added to the Preserve.

Save the Pine Bush volunteers expected that the Village Trustees were going to vote on whether or not they had jurisdiction at their next meeting. However, weeks, then months passed, and this project did not again appear on the agenda for the Village Trustees meetings.

In May, 2022, a new resolution was put to the voters in Colonie, asking them to vote on building the bus garage and offices on Watervliet Shaker Road. The Broderick Street site was abandoned.

The *Colonie Spotlight* wrote: "The [Broderick Street] property has not yet been purchased and once officials discovered how difficult and expensive it would be to construct a new facility at that location they began exploring other options."

This is a victory for the Pine Bush! And, it shows that sometimes, people's voices are heard by public officials. We need to speak up and let the people in government know what we want.

What is next?

The Broderick Street property is privately owned by a trust. The only way to protect this land in perpetuity is to purchase it and add it to the Albany Pine Bush Preserve.

Please email Assemblymember Phil Steck (SteckP@nyassembly.gov), and ask that this land be purchased for the Preserve.

Close Dunn continued from page 2

that many of the important issues (school proximity, tractor trailer truck traffic, diesel exhaust, noise, dust, dirt, air pollution) were neglected by both WC and DEC. If WC can get away with insisting that the only difference between the 2012 and 2022 applications is the term, then all the critically important environmental, health, and quality of life issues that were never examined in 2012 would remain unexamined by DEC again, facilitating a wrongful relicensing.

- In 2003, DEC rejected a thorough \$40 million cleanup of the BASF industrial manufacturing site south of downtown Rensselaer, and allowed BASF a \$7 million partial cleanup. DEC justified this saying the costlier and better cleanup would cause too much truck traffic, noise and congestion in Rensselaer. Nine years later, DEC "forgot" its concerns about noise, heavy truck traffic and congestion when it approved the WC dump application.

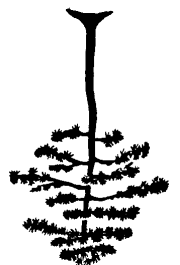
It DEC requires a full environmental review, it may take years to complete. The WC dump should be closed now but under no circumstances should DEC allow the dump to remain open past July 22 when its permit expires.

Volunteers Needed!

Want to volunteer with Save the Pine Bush? Volunteers needed for the newsletter, including writing articles and preparing the layout. In addition, volunteers are needed to organize the speakers for the virtual Zoom meetings

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