



# Save the Pine Bush

## September Newsletter

Sept 24 No. 166 • 223 S. Swan St., Albany, NY 12202 • email [contact@savethepinebush.org](mailto:contact@savethepinebush.org) • phone 518-366-7324 • web [www.savethepinebush.org](http://www.savethepinebush.org) • Circ. 600

**Vegetarian/Vegan Lasagna Dinner**  
**Wednesday, September 25, at 6:00 p.m.**

# John Cryan

Entomologist and Co-founder of the Long Island Pine Barrens Society

## Saving the Pine Bush All Over Again

John will speak about how we have battled preservation to a standoff; we have a preserve, but it's in pieces and fragments, and still too small. Development continues. John will describe an optimistic change of approach to work to protect our Pine Bush.

**At the St. Andrew's Church, 10 North Main, Albany, NY (please note new location!!!).** All-you-can-eat lasagna dinner, with vegetarian, vegan and gluten-free options, salad, garlic bread and delicious desserts. Only \$15 for adults, \$6 for students, and \$2 for children. People who make reservations are served first. For reservations, please email [contact@savethepinebush.org](mailto:contact@savethepinebush.org).

Yes! We are meeting in person for the first time since the pandemic. The room is large, and we will space out the tables. Please feel free to wear a mask when not eating because covid is not done with us yet.

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

## Rapp Road Historical Association's Walking Tour Saturday, October 5 at 11:00

Meet at: 53 Rapp Road Albany, NY 12203 – Open Space – Seating is limited, lawn chairs are welcomed

For More Information: [albanyrrha@gmail.com](mailto:albanyrrha@gmail.com)

Join Association for a walk-through history to learn about one of the first African American settlements in Albany.

The Rapp Road Historic District in Albany, New York is unique nationally and in New York State because it is the only known, specific neighborhood that was created solely by the Great Migration, rather than African Americans migrating from the South to live in existing neighborhoods in major cities. The community offers a distinctive view of a rural Southern community recreated in the Albany Pine Bush section of New York. The Rapp Road Historic District was designated a New York State Historic District in 2002 and a National Historic District in 2003. This was the first designation of its kind in New York State and possibly the nation. Come and hear about the families who lived in the homes within

*continued on page 3*

## Getting Together Again

*by Lynne Jackson*

ALBANY: We are very much looking forward to seeing everyone in September! Our monthly vegetarian/vegan lasagna dinners were brought to a halt in March, 2020 with the covid pandemic. During the pandemic we tried other ways of getting together including Zoom meetings, some of which were accompanied with to-go dinners when we learned how hard it is to go from in-person buffet-style dinners to take-out dinners.

Let's get together again in person! Our dinner on September 25 at 6:00 PM will be in a new location, St. Andrew's Episcopal Church, 10 North Main Avenue, Albany.

Our speaker, John Cryan, has studied the insects of the Pine Bush, including our Karner Blue butterfly and buck moth for decades. In past years, he has written extensive affidavits for our litigation. I am very much looking forward to his presentation and new ideas on approaching Pine

*continued on page 1*

## How is the Pine Bush?

*The Commission Gives an Update*

*by Tom Ellis*

ALBANY, NY: Neil Gifford, longtime Albany Pine Bush Preserve Commission (Commission) Conservation Director, spoke at the May 15, 2024 Save the Pine Bush virtual meeting on the topic of Restoring Pine Bush Ecosystem Health through Management. As always, Neil was a wealth of information on a variety of topics and expressed warm solidarity for Save the Pine Bush and Indigenous peoples.

He said the Commission works to reduce wildfire risks, the annual Lupine Fest was then in progress, and said SPB has been central to Pine Bush preservation and creation of the Commission. Thirty-four hundred acres are now preserved and another 1500 unprotected but designated for protection by the Commission. He identified about a dozen federal and state agencies and other organizations the Commission works with.

Regarding pine barrens in the northeast United States, Neil said each is globally rare and isolated from the others. Pine barrens are stable

*continued on page 2*

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**How is the Pine Bush? continued from page** ecosystems that fill a niche between forest and grasslands, an open woodland atop a grassy shrub. He said all pine barrens are now conservation reliant and we must work and advocate to keep them intact and prevent extinctions. There is no reference pine barrens community to guide with long term planning.

Pine barrens, he said, exist on glacial outwash soils and on Indigenous lands. He and the Commission know Indigenous peoples actively fire-managed pine barrens for more than 6500 years, stabilizing and preserving them. During the Q&A, he said the Commission is at the beginning of trying to restore the Indigenous (Mohican) connection to the local pine barrens. When asked why Native peoples burned the land, he said the answer to that question is worth a lecture of its own, and quickly listed at least ten reasons. Native peoples hoped to improve hunting, make it quieter when walking, reduce uncontrolled wildfires, and grow and harvest medications and foods.

Mr. Gifford encouraged people interested in Native connections to lands to read (1) *Forgotten Fires* by Omer Stuart, (2) *1491* by Charles Mann, and (3) *An Indigenous People's History of the United States* by Roxanne Dunbar-Ortiz.

The local pine barrens contain 114 rare wildlife species, and 74 identified by NYS as being in greatest need. Less than 6000 of the former 25,000 acres remain as pine barrens and much of the 6000 is degraded. The commission, he said, is working toward a 5300-plus-acre preserve.

He said the Pine Bush are fire dependent, the earliest Commission-set fires were staff stressful and marginally effective; they did not thin the vegetation or expose soil minerals. The Commission quickly learned that fires alone will not restore ecosystem health, Other Commission techniques are mowing and applying some herbicides. Since 2000, prescribed fires have been followed by seeding.

The Commission has been aggressive in removing black locust trees and restoring those spots. Thin native vegetation forests, blue lupine, and Karner Blue butterflies, now thrive where the black locust once did. Much has been learned from the removal of four-hundred acres of black locust. Fires can now be started during both the growing and dormant seasons; fires can occur when vegetation is wetter, thus making them slower burning and easier to manage. The Commission is nearing its goal to burn ten percent of the preserve annually. "Pyrodiversity is essential to restoring ecosystem health," Neil said. A regime of frequent forest fires keeps invasive species at bay and burnables at a low amount.

The Commission continuously assesses if

it is maintaining environmental health. The Commission is being successful if wildlife populations are increasing. Pitch pine and scrub oaks are desirable trees. There are considerably more acres of true pine barrens now than in 1990. The Commission is still determining the optimum fire frequency regime. Lupines now live on about 800 acres in the preserve which is great for Karner Blue butterflies and other species. He said the Karner Blue butterfly was added to the NYS State list as endangered in 1977.

Pines and oaks are key to a thriving pine barrens, rare plant species are rejuvenating, Lupines are perennials, the lupine growing season has been extended until the first frost, creating greater resilience in the ecosystem and for the Karner Blues. Based on annual sampling of a small portion of the preserve, there are easily 10,000 Karner Blues and probably several times as many. The Karner Blue butterfly recovery is a good signal of ecosystem health.

The Pine Bush has highly diverse populations with more than 250 species of bees and fifty of ants. Birds are doing well in the preserve, there are several hundred pairs of Prairie Warblers and Whippoorwills are now commonly heard at night.

Comparing the local pine barrens to others, Mr. Gifford said the Pine Bush is performing exceptionally well. He said that although the Southern Pine Beetle has moved north into the Long Island pine barrens and destroys pines there within a year, the beetle, which has been in the Pine Bush ten-plus years, has inflicted much less damage locally due to the Commission's thinning and fire management programs.

The Commission has 7000 names on its contact lists, local television stations frequently report on Commission activities, and educational materials are frequently revised. The *Altamont Enterprise* ran an editorial a year ago about the Canadian wildfires that blanketed the local region with dense smoke, and commended the Commission for its pine barrens management.

Among the outstanding questions the commission grapples with are (1) what is the ideal fire regime?, (2) climate change impacts, (3) the Southern Pine Beetle, and (4) as plants and animals migrate north, some will move out of and others into the Pine Bush. He said future conservationists may have to create more northerly Karner Blue habitat while keeping them here as long as possible. The Commission will have to plan for the arrival of now-southerly species into the preserve.

Summarizing, he said there has been a huge paradigm shift by the Commission in the last thirty years that includes mechanical and chemical treatments and an awareness that restoration is not the same as maintenance. The

Commission has also learned that community engagement is critical for success. He and the Commission believe that if the Commission can successfully manage a small, fragmented pine barrens landscape in Albany County, that others can do it elsewhere.

During the Q&A, Neil said a development is going up on the east side of New Karner Road and an 18-acre black locust stand on the west side has been removed and will be restored to pine barrens. He said conversations have begun for wildlife crossings over and under roads, and wind walls created by moving vehicles create more difficulties for Karner Blue butterflies trying to cross roads than the roads themselves.

Neil said Karner Blues were once in thirteen states but only four today: NH, NY, Michigan, and Wisconsin. Karner Blues are in the Albany Pine Bush, Wilton, Queensbury, and the Saratoga Airport. Karner Blue butterfly habitat will likely increase as the Moreau State Park in Queensbury is expanded by 800 acres.

Neil said the soil atop the oldest section of Albany landfill on Washington Avenue Extension has proven suitable for lupines. Lupines now grow on a 4-acre test plot, birds are living there, and this landfill section is no longer a fragmenting feature of the preserve. Commission staff routinely review development proposals to understand the impacts and inform municipalities and developers. He said the Town of Guilderland, Town of Colonie and Albany all have comprehensive plans that acknowledge the Commission's goals and sometimes developers donate large acreages to the preserve in exchange for permits to develop small sections. He said the Commission and Save the Pine Bush take differing approaches to protect the pine barrens.

Contrary to what many think, Neil said "It is not all doom and gloom when it comes to the environment. Much good work is occurring."

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### **Getting Together continued from Page 1**

Bush preservation.

We have a new chef, Robyn Gray of the Guilderland Coalition for Responsible Growth will be making tasty lasagna – vegetarian, vegan and gluten-free.

I will note, however, that the pandemic, is not over and covid is certainly not done with the human population yet. We will space out the tables in the large room where the dinner will be held. People are welcomed to wear masks. And, the good news is that new covid vaccines are available now.

Everyone is welcomed to attend the dinners! Bring your friends! If possible, let us know you are coming by emailing [contact@savethepinebush.org](mailto:contact@savethepinebush.org). Or, just show up! See you soon!

## Rapp Road Historical Association's Walking Tour from continued from Page 1

the Historic District and their contribution to the City of Albany.

In 2006, the Rapp Road Historical Association (RRHA) was formed by many of the existing homeowners, family members and supporters to help educate the public about the significance of this unique Southern Migration community and preserve its heritage and buildings. The RRHA works with the City of Albany, Town of Guilderland, New York State Museum, Pine Bush Preserve Commission, Save the Pine Bush and other historic and preservation organizations and commissions in the capital districts to increase the public visibility of the district and advance its preservation efforts.

This event is organized and sponsored by the Rapp Road Historical Association. The event is free, but registration is suggested at Eventbrite. Find the tour by going to eventbrite.com and searching "Rapp Road."

## Pine Bush Being Eaten Away Bit by Bit

by Lynne Jackson

GUILDERLAND: As I prepare this newsletter for mailing, I note a public hearing will be held on Wednesday, September 11 at 7:00 PM in regards to 2711 Curry Road in Guilderland. The hearing will be held in Guilderland Town Hall 5209 Western Turnpike, Guilderland, NY. The applicant is "only" requesting a two-lot sub-division. But, the land is located in an area recommended for full protection. The question is, what will happen to the undeveloped parcel once the subdivision is approved? Does the applicant want to develop this parcel or sell it to someone who will develop it? This is how our Pine Bush ecosystem is disappearing today; approval of what seems like a minor subdivision change could eventually lead to the destruction of acres of Pine Bush.

### From the Town of Guilderland Planning Board

**PUBLIC HEARING.** Consideration of Issuing a SEQR Negative Declaration for a 2 Lot Minor Subdivision - 2711 Curry Road - Athena Andrikopoulos. The applicant is proposing a 2 lot subdivision of 23.83 acres of land located in the R40 District. Lot 1 would consist of 1.52 acres of land and contains an existing single-family dwelling and accessory structures. Lot 2 would consist of 22.31 acres of land and is undeveloped. The property is located in the Pine Bush Preserve Management Area and is a recommended "Full Protection" area. The application was referred to the Albany County Planning

## The Plastic Crisis: Turning Off the Tap with David Sayer

Monday, September 16, 7:00pm - 9:00pm

Guilderland Public Library, 2228 Western Ave, Guilderland, Helderberg Meeting Room

This program will explain the extent of the plastic pollution crisis, what we can do about it, and what is possible through legislation. By focusing on reduction and reuse – the first to "R's" – we can make an immediate impact while calling out the many false "greenwashed" solution offer by producers. Billions of single use plastic carry-out bags have been stopped from becoming litter, being incinerated, or harming wildlife since 2020. We must build on this progress if we are to stem the tide of this ever-growing problem. Sponsored by the Guilderland Coalition for Responsible Growth. Registration is requested but walk-ins are welcome!

## Guilderland Coalition for Responsible Growth Meeting in Person!

Monday, September 23, 2024, 7:00 pm

Guilderland Public Library, 2228 Western Ave, Guilderland, Helderberg Meeting Room

This announcement from our good friends in Guilderland:

Guilderland Coalition for Responsible Growth (GCRG) will be holding its first in person meeting since the Pandemic! We are excited to see folks in person and hope that you can join us! We are interested in knowing what concerns there are in the community and to work with all involved to resolve them. It will also give the community to put names and faces together which always is a great way to interact. We hope that folks will join us! If you have questions or wish to discuss any issues, please email us at [takeaction@guilderlandcrg.org](mailto:takeaction@guilderlandcrg.org). We will hopefully be able to address the questions at our meeting.

Board, Pine Bush Preserve Commission, Conservation Advisory Council and Town of Colonie. The Planning Board issued concept plan approval at the August 15, 2024 Planning Board meeting.

### The Pine Bush Commission lists concerns

The Albany Pine Bush Management Preserve Commission sent comments to the Planning Board regarding the importance of this site and how a subdivision could affect the ability to create a viable preserve. Here are the Commission's comments:

Potentially significant adverse environmental impacts: The proposed site is within an area recommended for Full Protection (Protection Area 73) in the 2017 Management Plan Update for the Albany Pine Bush Preserve. Areas designated for Full Protection are recommended for protection in their entirety using the greatest means of protection possible, including acquisition in fee, land exchanges/swaps, purchase of development rights, or conservation easement. As such, the application appears inconsistent with the 2017 Management Plan Update for the Preserve. Full Protection Area 73 is valued for existing and/or restorable pitch pine-scrub oak barrens and its ability to link and buffer existing and potential Preserve lands. Since 2017 significant open space losses within Full Protection Area 73 has resulted in the further isolation and fragmentation of the remaining undeveloped habitat without commensurate offsetting measures. The cumulative impact of recent and proposed subdivision will further

reduce and fragment Full Protection Area 73, complicating the APBPC's long-term ability to create and manage a viable preserve as outlined in the 2017 Management Plan update. Avoid, minimize and mitigate potentially significant environmental impacts: To protect the conservation value of Full Protection Area 73 we recommend avoiding, minimizing and mitigating the potentially significant negative environmental impacts highlighted above by establishing permanent protection for remaining open space here and/or requiring mitigation to offset the loss and fragmentation of open space within the Albany Pine Bush Study Area. We ask the Town to consider offsetting measures used in other areas recommended for full protection and require applicants provide for the protection of 2 acres for every acre lost when approving projects within areas recommended for full protection, when other offsetting measures will be insufficient to meet the goals of the 2017 Management Plan Update and NYS ECL Article 4.

## Driver(s) Needed

Some of our Save the Pine Bush members need a ride to the dinner! What we especially need is someone to drive one of our members who has allergies to animals and fragrance. If you have no pets, don't wear perfume and would like to help out, please email [contact@savethepinebush.org](mailto:contact@savethepinebush.org). Thank you!



# Suit filed over multi-million dollar Guilderland property deal gone awry

Published in the Altamont Enterprise on Thursday, August 22, 2024

**GUILDERLAND** — A developer is asking an Albany County court to void paperwork for a potential land deal that could possibly spoil any future transactions for the property after the prospective buyer welched on the sales agreement.

On Aug. 6, a lawsuit filed by Pine Bush Senior Living LLC — which had planned to develop 86 units of affordable senior housing on New Karner Road amid the Albany Pine Bush — asks the court to officially terminate a purchase and sales agreement it had with Pine Bush Parc LLC for 51 acres at 20, 22, and 24 New Karner Road.

Pine Bush Parc is a limited liability company associated with the Markstone Group, the development firm behind Hamilton Parc, a luxury senior living facility on State Farm Road, and the proposed Foundry Square Planned Unit Development at the corner of Western Avenue and Foundry Road.

The Albany Business Review was the first to report about the suit.

Court documents state that the two sides entered into a purchase and sales agreement on Jan. 10, 2023, which had a closing scheduled for Jan. 25, 2023. But the death of the property's actual owner, Martin J. Kehoe, on Jan. 24, 2023 put a kink in the plan.

Pine Bush Senior Living LLC does not own the four parcels that make up the 51-acre property; it has a longstanding purchase and sales agreement with Kehoe's now-estate.

Following Kehoe's death, the sides agreed to extend the closing date until March 31, 2023.

Pine Bush Parc subsequently requested that the closing date be extended three more times, until May 31 of this year, when no one from the company showed up to close the \$2.54 million deal.

On May 31, following the no-show, Pine Bush Senior Living's lawyer sent an email to Pine Bush Parc's attorney "stating that based upon Defendant's failure to appear and attend the Closing, Plaintiff was concluding/terminating the transaction, deeming the PSA cancelled."

A purchase and sales agreement is a legally binding document, so Pine Bush Senior Living is seeking "a judicial determination by this Court rendering the PSA finally and completely terminated," court papers state, allowing Pine Bush Senior Living to sell "the Property to a different seller without the threat of litigation, no matter how frivolous it may be, from Defendant."

Senior living workforce housing, then nothing

First presented to the town approximately a decade ago by an earlier iteration of Pine Bush Senior Living LLC, the development proposal was for 96 independent-living units and a two-story 96-unit assisted-living facility for people with memory problems.

The project needed a rezone from Business Non-Retail Professional to Planned Unit Development to make it work, which it ultimately received, in 2017.

In 2021, the local law that established the PUD was amended to replace the 96 independent-housing units with 86 mixed-income, affordable senior-housing apartments.

The proposal had its necessary approvals from the town, but had yet to secure financing. So, Pine Bush Senior Living had partnered with affordable-housing developer NRP Group to pursue tax-credit financing for the project but, after applying twice for state funding, had no success.

Tim Cassidy of Pine Bush Senior Living told the town board in August of last year that he was told by the upstate administrator of the tax-credit program he was unlikely to be successful in his pursuit of state aid due to the area's unfavorable Census Tract ranking.

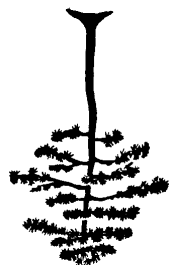
During the same August 2023 meeting, a meeting in which the Guilderland Town Board was due to vote on an extension to the local law that amended the 2017 PUD law, Cassidy ultimately ended up pulling the project because of a change to his proposal.

What was initially proposed and approved as income-restricted senior housing had become "workforce housing," a designation which restricts its residents' income to between 60 and 120 percent of area median income, which in Guilderland is approximately \$102,000 per year.

With the town board unclear as to the exact nature of his proposal, Cassidy said he would pull his application and restart the approval process, which was not the case.

*Editor's note: The 51 acre parcel referenced in this article is located near the center of the Pine Bush and would be perfect for acquisition. I hope the Albany Pine Bush Preserve Commission and the Town of Guilderland could work towards acquisition.*

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A Project of the Social Justice Center  
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