



Save the Pine Bush

April/May Newsletter

Apr/May No. 151 • 223 S. Swan St., Albany, NY 12202 • email pinebush@mac.com • phone 518-366-7324 • web www.savethepinebush.org • Circ. 625

No Vegetarian/Vegan Lasagna Dinner

Wednesday, May 20, 2020, 7:00 p.m.

Save the Pine Bush Goes Online

Mark your calendars! Save the Pine Bush will have a speakers on Wednesday, May 20 at 6:00 PM. Look for information in our next mailing or online or email pinebush@mac.com. People will be able to join using their computers or phones.

See you online! • Everyone is welcome!

No Save Pine Bush Hike

However, the Pine Bush is open for social distancing hikes and walks. The Discovery Center and outdoor rest rooms are closed. But, the ecosystem is open to visitors. Please practice social distancing, and take precautions for ticks, and enjoy the great outdoors

Dinners Postponed

Delicious dinners will resume when it is safe to gather together. We all miss the delicious lasagna and desserts and see our friends. But, this too shall pass, and we will be together soon.

Stop Crossgates Expansion

Deadline: May 4, 2020

Please make comments on the proposed Rapp Road Residential/Western Avenue Mixed Use Redevelopment Projects in the Pine Bush. Pyramid/Crossgates is the developer. The proposed development is approximately 47 acres in size. Comments on the Draft Environmental Impact Statement (DEIS) are due on Monday, May 4. Email comments to Kenneth Kovalchik, Town of Guilderland Planner, email kovalchikk@togny.org or postal mail Guilderland Town Hall, P.O. Box 339, 5209 Western Turnpike Guilderland, NY 12084 The DEIS can be found here:

<https://www.townofguilderland.org/planning-board/pages/environmental-impact-statement-rapp-road-residential-western-avenue-mixed-use>

www.savethepinebush.org

Tree Clear Cut

by Steve Wickham

GUILDERLAND, NY: If you haven't already heard or seen it, March 26 was an horrible day for the trees on the site for the proposed Costco; Respect and adherence to the New York State Environmental Quality Review Act (SEQR) by the Town of Guilderland; and any expectation for a fair process from the Guilderland Planning Board's review of the Draft Environmental Impact Statement for the proposed developments by the Pyramid (Crossgates) Companies.

On Thursday morning, March 26, 2020 at 10:17AM, this webpage, <https://www.townof-guilderland.org/planning-department/news/tree-cutting-begin-proposed-costco-site> was

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Dunn Landfill

by Tom Ellis

RENSSELAER, NY: Until mid-March, when the coronavirus slowed organizing efforts, the Rensselaer Environmental Coalition (REC) continued making steady progress towards its goal of closing the Dunn construction and demolition debris landfill in Rensselaer. This 99-acre operation is located right next to the Rensselaer public school campus, and between Rensselaer and East Greenbush neighborhoods.

In response to considerable community pressure, and perhaps to avoid holding a public hearing, the NYS departments of Environmental Conservation (DEC) and Health (DOH), held an "availability session" on February 27th at the Rensselaer public school at which their staff listened to Rensselaer and East Greenbush residents, including students, teachers, and parents.

Availability sessions are a device these agencies use to meet with the public off the record. While some people who are afraid to speak in front of large groups prefer them, others who would like to hold these regulators accountable find them far from adequate. Nevertheless, any meeting with environmental and health officials is better than none at all.

The two-hour availability session was held in a small, crowded, noisy school cafeteria, where, for the first hour, it was nearly impossible to hear people only a few feet away. During the

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posted on the Town of Guilderland website. The page clearly states that the whole reason to do this tree cutting now was to avoid additional environmental regulations that would go into effect on April 1st.

GCRG supporter, Sue Mosher, accidentally found this page while looking for something else and notified GCRG Steering Committee member and Secretary Karen White who in turn called me.

After reading that page I couldn't believe this could be happening and rushed down as soon as I could to see for myself. Sure enough they were clear cutting the entire lot of the proposed Costco. The hold out neighbor at 1685 Western Ave, Viola, later told me the tree cutting started early in the morning presumably before the time it was posted to the town's website.

When I first arrived at the site, I only saw a single pickup truck parked in a cleared area off Lawton Terrace near Western Avenue and I parked near it. After getting out of my car I could hear chain saws in 2 directions, towards the end of Lawton Terrace and somewhere else within the ghost neighborhood.

I walked to the end of the Lawton Terrace and discovered one man with chainsaw and another operating a large "bulldozer" with tree-cutting claw and blade mounted on it. The bulldozer was not operating at the time and man with chainsaw shut down when they saw me. They insisted that I leave. I refused and insisted that they stop cutting down trees until we could reach the Town Supervisor. They refused that request, so seeing no other option to stop the activity, I went over and sat down on what I soon learned was the blade for cutting the trees and tried calling Supervisor Barber, but only got his voicemail. The workers insisted that I leave or they would call the police and I encouraged them to do so, hoping that through them I might be able to reach Supervisor Barber (which never happened). While sitting on the blade I started recording with my iPhone. I also made calls to other members of the GCRG Steering Committee and Lynne Jackson of Save the Pine Bush.

While waiting for the police, a foreman for the crew arrived and without thinking about it I stood up to talk with him although we were all very mindful of maintaining our social distancing. While talking with the foreman this gave an opportunity for the crew to start up the bulldozer and they started moving it towards the back of an abandoned house and started clearing trees again. I followed them to record them clearing the trees and also tried calling the Town Planner Ken Kovalchik, but only reached his voicemail.

The operator of the "bulldozer" started cutting trees and dropping them in front me in order to prevent me from following them. But

eventually the machine became entangled with vines and had to be shut down. I took this opportunity to lean against the tracks of the "bulldozer" where I remained until the police finally arrived.

While waiting for the police, I called Guilderland Councilwoman Laurel Bohl assuming she would be able to reach Peter Barber and would be sympathetic to the cause since she helped to start the GCRG, but I only reached her voicemail.

After the police arrived, I asked them to contact Supervisor Barber but they refused to do that and repeatedly offered to have me walk off the job site without arresting me. We apparently were waiting for representatives of Pyramid/Crossgates to arrive so they could make a formal complaint of trespassing and after that was done and the police had run out of patience with me, I was handcuffed and escorted out of the remaining woods to their patrol car.

As I was put in the patrol car, Councilwoman Bohl showed up at the site and there were about handful of GCRG supporters and steering committee members as well. Councilwoman Bohl talked to the police but I could not hear what was said. The police then removed me from the patrol car and asked me again to leave on my own and said we could protest from Western Avenue. Councilwoman Bohl encouraged me to stand down and go to Western Avenue and I agreed.

Myself, Councilwoman Bohl and the other GCRG members then moved up to corner of Lawton Terrace and Western Ave. After Councilwoman Bohl left the rest of us remained to witness the clear cutting and worked to call to get other people there and different channels to stop the clear cutting. We were joined by more people from Save the Pine Bush. We were also joined by Jon Kaplan, who is the owner of the Mobil station next to the hotel and the Sunoco next to the Burger King who has hired attorney James Bacon to fight the proposed Costco, for the expected impact to him and other local businesses.

James Bacon sent me the following after I was released. I showed the police who remained:

"The Costco project has not completed its SEQRA review, any site improvements would violate DEC's regulations which require that:

"A project sponsor may not commence any physical alteration related to an action until the provisions of SEQR have been complied with."
6 NYCRR 617.3(a)

"I called the Building Inspector who referred me to Mr. Kovalchik but the Town must take immediate measures to stop Pyramid from making any "physical alteration" to the Costco site. If tree cutting is going on and is not stopped, we will be forced to seek a TRO [temporary restraining order] - Thank you - James Bacon"

Despite the fact that the police closed down

Lawton, Grace Nichols who is volunteer for the Save the Pine Bush was also able to walk on to the job site herself to try and shut it down. She did not have cell phone with her to record anything and decided to leave without being arrested and joined us on Western Avenue.

Karen White's husband called Pat Fahy's office from their home and when they called him back they said they would contact the town and ask them to issue an order to cease-and-desist. I spoke with an aid to Pat Fahy about 5:00 pm and told them at even at the late time the tree cutting persisted and the officer's on site had not been given any orders to shut it down. I had talked to Guilderland's Chief of police about 4:00 pm when he was on site and he had no knowledge that they were breaking the law or that they should be stopped. He said he would have the dispatch call the DEC, but also refused to call Peter Barber.

We did finally reach DEC ourselves about 5:30 pm from the job site and 2 DEC officers showed up about 6:00 pm just as the tree cutting crew stopped working for the day. They just told us to reach out to Regina Willis with Region 4 DEC who is the Public Information Officer.

A cameraman from News Channel 13 WNYT NBC arrived at 6:00 pm and I did an interview with him after speaking with the DEC officers. I also communicated by phone, email and text with Anya Tucker of ABC News10 several times on Thursday. Neither channel has reported on the clear cutting to my knowledge.

I returned to the site Friday morning at 6:45 am and observed the tree cutting supervisor showing up about 7:20 am. He left about 20 minutes later and I saw no other activity from then on until 9:00am when I left. When I arrived at home I discovered another email from Mr. Bacon that he had been directly contact by Town Supervisor Barber that tree cutting had been halted. The town finally issued an Cease-and-Desist Order on Friday, March 27 and posted it to the Town's website

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second hour, after most of the more than 100 who attended had departed, conversing was easier.

The availability session was the first time the state health department made any public acknowledgement whatsoever about the dump, whose odors have sickened Rensselaer and East Greenbush residents in recent years, and whose intense truck traffic has congested downtown Rensselaer streets and subjected residents to noise and diesel pollution for more than five years.

One of the health department staff I spoke with told me there is no medical evidence that short-term or frequent exposures to hydrogen sulfide released by the dump causes long term health problems. Neither she nor a male col-

league appeared to have any appreciation of the hellacious living conditions Rensselaer and East Greenbush residents, and Rensselaer students, teachers, and other school staff, frequently endure and cannot escape.

Follow-up letters from me to these two officials led to a response from one that fully evaded answering my health and safety questions. I followed with another letter that was not responded to at all. Such behavior is similar to that of DEC.

On March 11, the Town of East Greenbush held a public hearing to receive public comments on the effects of the Dunn Landfill. A week later, the town board unanimously passed a resolution that “urges the DEC, responsible for protecting public health and safety and for the protection of air resources, to revoke the facility’s operating permit.”

Despite rapidly increasing coronavirus concerns, nearly every seat in the town hall was filled on March 11. Among the first speakers was DEC Region 4 Director Keith Goertz, who said another permit violation had occurred on March 4 when dust blew off the Dunn property but not the dump itself. (REC members had documented the violation.)

East Greenbush (EG) residents, some of whom had opposed the dump since its proposal in 2012, Rensselaer residents, and others, described their illnesses and the sharply diminished quality of life dump operations impose on them.

One EG woman who opposed the dump eight years ago, asked why was a dump sited next to a school. Another asked how will children be compensated in fifteen years if they get dump-caused cancer and “How many violations is the Dunn dump allowed?” An older EG man said promises made in 2012 were all broken, which everyone knew would occur. Another man said, “We have a rotten quality of life.” A third EG man said the dump is “a massive operation squeezed behind neighborhoods.”

An asthmatic Rensselaer mother with a master’s in environmental health and toxicology, said “not being able to breathe is terrifying,” government must protect the most vulnerable, and DEC’s dump odor complaint telephone number is staffed by the dump owner. A Rensselaer man said the dump is negatively impacting multiple communities and nothing DEC or DOH has done or can do will fix the problem, other than to close the dump. A Rensselaer mom said her son’s health is now impacted by the dump, as are students at three school campuses.

At the final public event prior to the coronavirus forcing social distancing, about fifty attended a March 14 news conference held at the dump gate, at which REC and the group Public Employees for Environmental Responsibility (PEER) issued a report documenting their

Extinction Rebellion Capital Region

by Tom Ellis

ALBANY, NY: Christian Grigoraskos of the Extinction Rebellion Capital Region spoke at the February 19th SPB dinner on the topic of Climate Change: Heading for Extinction (And What to Do About It).

Before he began, Lynne Jackson provided an update on the various proposals Crossgates has pending in the Town of Guilderland. Lynne said the PACE Environmental Litigation Clinic is representing SPB. Attorney Steve Downs added that SPB is the community organization that expanded the legal concept of standing by asserting and winning in court that SPB loves something more than the general public.

Christian, age 36, began by having each dinner attendee say our name and something we love about the Earth. He said, “I am a tree freak to say the least.” Extinction Rebellion (XR), he said, aims to solicit government action for climate and species protection. XR uses non-violent civil disobedience, tells the truth and acts as if the truth is real. He said there is no other planet like the Earth and encouraged us to take time to connect with the earth. He grew up on Long Island where “little is natural anymore, except the streets named after trees.” He studies permaculture. “Humans,” he said, “are over-polluting the Earth and the planet cannot handle it.” “XR is about monkey-wrenching the system and setting up something better.”

He recommended three sources of information: reports of the Intergovernmental Panel on Climate Change (IPCC), peer-reviewed research articles, and the opinions of renowned scientists. It has been nearly 125 years, he said, since Svante Arrhenius, a Scandinavian scientist, first identified that increasing atmospheric CO2 concentrations would warm the planet.

“We need a diversity of strategies,” he said, “to confront climate change.” The atmospheric concentration of CO2 is now 415 parts per million (ppm), the highest amount in hundreds of thousands of years. He displayed a chart showing the wealthiest ten percent of people produce one-half the world’s emissions while the poorest fifty percent cause ten percent.

He labeled Pennsylvania and West Virginia as “franking kingdoms.” Tremendous extremes are now common, one being the heavy rains that quickly followed the fires in Australia. Extreme weather events are more frequent due to climate breakdown. “The very survival of all civilization is now at stake,” he said.

Among the known feedback loops are Arctic ice melting, forest fires, and permafrost releases of methane that cause more permafrost losses. He insisted, “We still have much to learn about the Earth.” Mammals and birds, he said,

have been particularly hard hit in recent decades, with enormous numbers of species extinctions.

He then asked what do we do about it. He said much of the guidance from elders for the next generation has been lost. Global warming emissions are up sixty percent since the first IPCC report, environmental degradation is at an all time high, fossil fuel government subsidies world-wide run more than a trillion dollars annually, major corporations own major world governments, and our life support system is being plundered for profit.

He quoted Greta Thunberg who said “We cannot win this by playing by the rules.” He mentioned the successful liberation movements of Mohandas Gandhi and Martin Luther King, JR., and the research of social scientist Erica Chenoweth, who studies non-violent civil resistance. “Non-violent mass civil disobedience is now our best hope,” he said. Ms. Chenoweth has concluded that if a minimum of 3.5 percent of the population is mobilized, social change movements can be victorious. He said non-violence can involve all people. Getting arrested is part of the XR strategy but not every one can do this, and whites can do it easier than people of color.

The four demands of XR are (1) to declare a climate and ecological emergency, (2) halt diversity loss and go carbon neutral by 2025, (3) create Citizens’ Assemblies for climate and ecology, and (4) prioritize the most vulnerable. The second goal means that intact wildernesses can no longer be destroyed, one reason being healthy environments can spread out, stimulating environmental renewal. The third goal comes from the belief that a new process is needed. The fourth goal would include protecting low lying islands and heavily impacted places such as Puerto Rico. He said that XR does not have the policy solutions.

Christian said XR works from the assumption that everyone is equal, XR promotes a regenerative culture, XR began in the United Kingdom, and he identified upcoming XR events including a treebellion. His own personal therapy is to interact with nature.

Lynne Jackson led off the discussion saying she liked Christian’s statement that we should not allow another square inch of natural land to be destroyed. In response to a question about what does monkey-wrenching mean and what are its consequences, he said making it too expensive to ignore us, shutting bridges, being a loud voice, getting attention, and being both thoughtful and disruptive. Grace Nichols mentioned the then-occurring rail transport shutdown in Canada by indigenous people to block fossil fuel expansion a positive event.

Claire Nolan said a continuing problem is

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businesses moving to locations without public transit leading to a greater need for cars. A man who spoke at a 1970 Earth Day event, and has extensively studied climate, said little has so far been done to reverse climate change, and it so too late to start now. Christian responded saying “You’re statement assumes humans sufficiently understand climate change causes and impacts.”

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discovery of PFAS chemicals in water at three locations near the Dunn landfill. While these are not local drinking water sources, they do flow downhill into the Hudson River, a drinking water source for seven down-river municipalities.

PFAS is a family of more than 5000 chemicals, many are persistent in the environment, and include PFOA and PFOS. Exposure to PFAS can cause cancer, liver disease, thyroid disease, auto immune deficiencies, and infertility.

Water samples collected at the three sites were taken to an EPA-certified lab that tested for 36 PFAS and found eleven. REC and PEER assert that much higher levels of PFAS chemicals are likely to exist in the millions of gallons of leachate trucked annually from the dump to the Albany County sewage treatment plant. Sewage treatment facilities cannot remove these chemicals, so they are discharged into the river.

The appearance of the chemicals next to and downhill from the dump reinforces REC’s belief the Dunn dump is accepting illegal materials, some of which are clearly hazardous. Published photographs of overturned trucks headed for the dump establish the dump is “illegally accepting general household waste, carpeting, car seats, and even biohazards like medical waste which could be responsible for the contamination we’ve measured,” wrote PEER’s Director of Science Policy, Kyla Bennett, in a news release. She

added that “If this much PFAS is in the surface water, the leachate stored under the landfill which ultimately gets flushed into the Hudson River is sure to be far worse.”

Former US Environmental Protection Agency (EPA) Regional Administrator Judith Enck, who spoke at the news conference, said these “highly toxic chemicals are escaping from the landfill and contaminating the water.”

PEER called on DEC to (1) test Dunn landfill leachate for PFAS, (2) make certain the dump does not accept wastes containing PFAS, (3) test the effluent from the Albany County wastewater treatment facility for PFAS, and (4) take enforcement actions against the landfill and close it.

As I write this on March 30, and while Governor Andrew Cuomo draws positive national attention for his coronavirus actions, he continues to ignore a long-standing public health emergency that impacts thousands of people directly across the Hudson River from the state Capitol Building, DEC and DOH headquarters, and the Governor’s Mansion.

Buffer is Essential to Protect Pine Bush

*by Grace Nichols, published in the
Altamont Enterprise*

I am writing in opposition to the draft environmental impact statement filed by Rapp Road Development Corporation, a pseudonym for Pyramid LLC, the owner of Crossgates Mall, which was filed to develop 47 acres of pine bush into a variety of projects such as a gas station built in sand over an aquifer.

The level of development proposed is dense, inappropriate to the area, and also bent on increasing traffic in a congested area; designed to create noise pollution in a residential community and determined to disrespect rare and federally endangered species of the inland pine barrens in this area.

It is not legal to develop land before a state

environmental quality review is completed. However, Carver Companies with the Guilderland Police and Crossgates security as escort, entered part of the proposed development land, and proceeded to clear-cut the majority of the trees on 16 acres of land on March 26, 2020.

While the Guilderland Coalition for Responsible Growth and Save the Pine Bush protested, asserting that the clear cut was in fact illegal, there was nothing we could do to prevent it until the zoning inspector issued a cease-and-desist order the following day.

Meanwhile, I’ve been writing about the importance of peripheral lands as buffers in the wildlife-urban interface. There are many reasons to maintain a wide buffer for the pine bush; one is that pine bush species are adapted to flee to peripheral areas when there is a disturbance or controlled burn in the pine bush; they need somewhere to go.

Another reason is that this land allows a little space between the animals and the shoppers at the mall, which is an important factor in preventing zoonoses transmission. Another reason is that a buffer prevents the microclimate changes brought about by concrete and other impermeable surfaces from impacting the actual habitat, such as the critical Karner blue butterfly breeding ground of Butterfly Hill.

It creates a tree line that prevents light pollution and shade effects over Butterfly Hill; it separates impacts such as feral cats who hunt birds, tall buildings that result in bird strikes, pesticides and hikers from the rare species breeding ground. Buffer is essential to the protection of the pine bush.

For more information about the land dispute, please refer to my detailed public comment to Pyramid’s draft environmental impact statement, posted with this letter at www.altamontenterprise.com. Thank you!

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