

D. TOWN OF COLONIE CONSERVATION ADVISORY COUNCIL

The following comments are taken from a letter dated April 25, 1996 from the Town of Colonie Conservation Advisory Council. A copy of the letter is provided in Appendix 1.

1. Comment:

Suggested mitigative measures that should be added to the GEIS for projects in the Commission's defined "Pine Bush Protection Area" (see the Implementation Guidelines, Map #8, page 22):

- 1) ***Detailed Site Inventories.*** *Require the inventory of any proposed development site for existing or restorable Pine Barrens species and vegetation and preparation of a site map showing the same. The inventory must be completed by a qualified individual during the appropriate time of year.*
- 2) ***45% Green Space.*** *Increase the green space requirement from 35% to 45% for commercial, industrial and residential, and design and lay out the green space to maximize protection of resources identified above, in balance with other project considerations.*
- 3) ***Native Landscaping.*** *Require landscaping with native Pine Barrens Species except for foundation plantings. The Commission can provide a list of species.*
- 4) ***Mitigation.*** *Require mitigation when a project causes the irreversible loss of lands containing existing or restorable pitch pine-scrub oak, linkages between protected lands, buffer areas or significant environmental resources that cannot be avoided. If this mitigation takes the form of fees, the fees should be charged for each acre lost to development and would be set by the Town of Colonie to be equivalent to the average purchase price of lands acquired as part of the Pine Bush Preserve. The funds would be placed in an account maintained or designated by the Town for the sole purpose of acquisition and protection of the Albany Pine Bush.*
- 5) ***Conservation Zoning.*** *Rezone Pine Bush lands recommended for "full protection" in the Pine Bush Commission's 1996 FEIS to "Land Conservation Districts" to enhance the viability of the Albany Pine Bush, as protected by the Albany Pine Bush Preserve. Suggest realistic means to provide Town funds to complement resources from the New York State Environmental Protection Fund, the Albany Pine Bush Preserve*

Commission, The Nature Conservancy and other potential sources to fund the acquisition and protection of these lands from willing sellers.

Response:

Refer to the response to Comment A.1.

2. Comment:

The 45% green space would be consistent within the Pine Bush Area. Perhaps a zone or district could be formed. This may not include the entire study area.

Response:

Refer to the response to Comment A.10.

3. Comment:

Native Landscaping would be required on parcels; this would not necessarily include foundation plantings.

Response:

Refer to the response to Comment A.11.

4. Comment:

Mitigation was commented on (within the GEIS) in regard to golf courses, pocket parks and other Town recreational facilities, but no mitigation was required for setting aside open space within this Area. There is various recreational potential for the Pine Bush including cross-country skiing, biking, fishing, hunting and trapping. These potential recreational aspects are not considered in the GEIS in regard to a border spectrum of Town residents' participation in these activities rather than a percentage of the population that might play golf.

Response:

Several methods for preserving open space were mentioned on pages II-12 and II-13 of the DGEIS. These measures include zoning, land acquisition, wetland regulations, conservation easements, transfer of development rights and controlled growth.

5. Comment:

The Conservation Zoning throughout the Town has been implemented in areas such as along the Mohawk River. The potential of creating conservation zones within the study area should be considered not only for the Albany Pine Bush Area but also for stream corridors and tributaries to the Lishakill.

The Town of Colonie, as a member of the Pine Bush Commission has been working on Implementation Guidelines for the Preserve. These Guidelines were adopted in 1996. The GEIS should reflect these latest protection and project review implementation guidelines and emphasize the 2,000 fire-manageable acres that are required for the preservation of this ecosystem.

Response:

The Town of Colonie considers the creation of a zoning overlay district an appropriate mitigation measure for the conservation of open space and the preservation of the Pine Bush. The DGEIS discussed the importance of 2,000 fire manageable acres in Section II.D.

6. Comment:

The Conservation Council is recommending that the Town's position should be to prepare the GEIS for the whole area, not only in regard to traffic and development potentials, but also take a "hard look" at the cumulative effects to the environment, not only for the Pine Bush ecosystem, but also the Lishakill water shed. Perhaps the most substantial implications of development within the Lishakill watershed would be non-point source pollution. This would be runoff from construction sites, roadways and other non-porous surfaces. Rather than looking at how zoning would affect this area, perhaps an additional look should be taken towards how the build-out projection would affect non-porous surfaces.

Response:

In addition to evaluating the "traffic and development potentials," the DGEIS included an analysis of the impacts future development within the Study Area would have on geology, topography and soils, vegetation, wildlife and wetlands, surface and groundwater, utilities, air quality, noise, historic and archaeological resources, recreation and open space, municipal services, visual resources and economics. Measures to mitigate these impacts are presented in Section II of the DGEIS.

Impacts development would have on the Lisha Kill watershed were evaluated in three sections in the DGEIS: Section II.D. Vegetation, Wildlife, and Wetlands,

Section II.E. Surface and Groundwater, and Section II.F. Hydrology and Drainage. The three sections recognized that future development within the Study Area would result in a conversion of undeveloped land to a developed state. However, considering the regulations at the local, state and federal level that will afford protection of the Lisha Kill, significant impacts to water quality or quantity are not anticipated.

7. **Comment:**

Another concern of the Conservation Advisory Council is air quality. The GEIS fails to mention the natural and planned burning of the Pine Barrens. This concern is also brought out in other sections of the GEIS in regard to how the Preserve will affect developed areas; this could be construed as no effect. The Preserve needs buffering in regard to smoke management. This would exclude certain types of high-risk development such as nursing homes. In addition, the GEIS does not substantially comment on how development will affect the Preserve.

Response:

Refer to the reponse to comment B.5.

8. **Comment:**

The Conservation Council would like the GEIS to take a hard look at not only the Albany Pine Bush Preserve and the Lishakill drainage area, but also how these areas interrelate and possibilities of natural corridors for wildlife and vegetation.

In the case of total build-out, this will, in effect, leave pockets of vegetation, wildlife, and wetlands, weakening their potential to provide their natural functions.

Response:

The capacity of natural drainage courses to serve as corridors for wildlife dispersal and migration is widely recognized. Considering the numerous wetlands and important habitats found along the Lisha Kill and its tributaries, it is recognized that the Lisha Kill and its tributaries play an important role in this capacity. In those heavily developed portions of the Study Area, natural drainage courses are likely the most important corridor for wildlife migration. Their continued protection by state and federal wetland regulations, and the Town of

Colonie's Watercourse Area Management Local Law will ensure that these areas will continue to serve in this capacity.

Furthermore, in the case of the Full Build-Out Scenario, approximately 44 percent of the Study Area would remain undeveloped, assuming current environmental regulations remain in place. Those undeveloped areas will include the most important wildlife habitat in the Study Area: wetlands, streams, floodplains, and Pine Bush. Therefore, in the distant future, if the full build out scenario was realized, the Study Area could still support a diverse wildlife population.