

Council approves Pine Bush rezone

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Following a heated debate about the city landfill at its last meeting, the Albany Common Council again disputed change in the Pine Bush, this time in the form of a site for a proposed Residence Inn.

The council approved by a vote of 10-3 to change the zoning classification of the property on the south side of Washington Avenue Extension from R-1B, which allowed for single-family medium density residences, to C-2, highway commercial, to allow for the 124-unit extended-stay complex. The proposed complex is close to the Guilderland border.

The council also voted to accept a state environmental quality review act findings statement that had been previously adopted by the planning, economic development and land use committee on Thursday.

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That findings statement, among other things, stated that, "No suitable habitat for the Karner blue butterfly exists on the site."

That was one of several statements that Neil Gifford, conservation director for the Albany Pine Bush Commission, disputed in a letter presented to both the subcommittee and the common council.

The site, which is located approximately 35 meters from a Karner blue nesting hill, had previously been cleared of vegetation by developers in 1998. No action was taken to penalize the developers at the time, and some members of the subcommittee questioned why nothing was done.

Gifford's letter also cites recent correspondence with both the U.S. Fish and Wildlife Service

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and the state Department of Environmental Conservation, and wrote that both “consider the site to be used by the Karner blue butterfly, and that the site must be considered as part of the butterfly habitat.”

He also questioned the report’s statement that no taking of land necessary to the Karner blue would occur.

“As the service and the commission have indicated previously,” he wrote, “only the U.S. Fish and Wildlife Service can make such determinations, and that such a determination is critical to evaluating the likelihood of adverse in place on the Karner blue butterfly.”

At both meetings, Daniel Hershberg, the engineer working on the site, said that the fish and wildlife service had been contacted but had not viewed the site and maintained that the agency still has authority over inspecting the site.

The findings statement reads, “The Common Council notes that SEQRA does not change the jurisdiction of other agencies and the USFWS may exercise its authority at its discretion.”

The council vote was preceded by a public comment period, at

which three residents voiced their opinions.

Lynne Jackson, a member of the Save the Pine Bush Commission, supported Gifford’s idea that studies cited in the findings report were outdated, and that much more has been learned about the habits of the Karner blue.

Another member of Save the Pine Bush, Clifton Park resident William Engleman, said he was concerned about the Karner blue.

“I think it shows a lack of analysis that the site visit has not been issued (by the Fish and Wildlife Service),” Engleman said.

Vincent Rigosu, an Albany resident who was in favor of the re-zone, said that the Inn would result in additional revenue for the city, and was unconvinced that the endangered butterfly needed more preservation space.

“If we can’t confine it to 3,000 acres, than we can’t confine it at all,” he said. “The Karner blue has 3,000 acres, how much more does it need?”

Following the council meeting, Hershberg said he was pleased with the decision, and was looking forward to moving on with the construction, which he said he hopes to begin in the spring.

“The commission will continue to work with all interested

parties within the city to strike the appropriate balance and ensure that accurate information is used to investigate potential project impacts," Gifford said.

Shawn Morris voted against the findings statement at both the subcommittee and common council meetings.

"The city needs to develop a plan that's pro-active to zoning, not just reacting to proposed projects that come up," she said.

Dominick Calsolaro, who also voted in opposition to the statement, agreed that better management was needed, and that there were still questions to be answered.

"I don't think the FEIS (final environmental impact statement) is complete, and I feel that the fish and wildlife service should have been brought in to look at the site," he said.

Don Reeb, president of the McKownville Improvement Association and former University at Albany professor of economics, was not in attendance but had testified before the city zoning board in the past about the site.

He said that by moving more businesses to outlying areas and away from downtown, projects like the Residence Inn site promote a de-urbanization of the city

and are detrimental to the Pine Bush.

"Crossgates has not been a favorite of the association for many years and the hotel is a degradation of the Pine Bush," he said. "I think Pyramid's behavior in all this has been atrocious."

Pyramid Corporation owns Crossgates and in 2004, sold the land on which the Residence Inn would be built.

The next step for the project will be to go before the city zoning board for a height variance for the proposed building, and then to the city planning board for site plan approval.