

Site Plan Approval for Proposed Apartments in the Pine Bush Ruled Null and Void

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ALBANY, NY — Save the Pine Bush and the Guilderland Coalition for Responsible Growth are pleased to announce a court victory against the Town of Guilderland Planning Board. Supreme Court Justice Peter Lynch stated in his decision that the Town of Guilderland Planning Board’s SEQRA process for the Rapp Road Residential/Western Avenue Mixed Use Redevelopment Projects “violated SEQRA procedure and the ‘hard look’ test, rendering the . . . approvals arbitrary and capricious, null and void.”

The 77-page decision meticulously reviewed the entire State Environmental Quality Review (SEQRA) that the Town of Guilderland Planning Board applied to this project proposed by Rapp Road Development, LLC (aka Pyramid).

Throughout the decision, the judge noted the many places where the actions of the Board were “arbitrary and capricious” and did not take the SEQRA required “hard look” at the proposed project.

The criticism began almost immediately, with the decision stating “On scrutiny, the record herein is replete with conclusory self-serving and equally troubling representations made by the project sponsor [Pyramid], without the support of

empirical data, which, unfortunately, the Planning Board relied on. **That is not the stuff that the SEQRA hard look test is made of.**” [emphasis added]

The decision noted in great detail how the project would harm the Rapp Road Historic District and the Westmere Terrace neighborhood. Several times, the decision observed that the project sponsor merely stating that their proposed project was allowed by the zoning, that did not constitute a “hard look.”

The lawsuit was filed by James Bacon, Esq., who represented four residents of the Westmere neighborhood and Red-Kap sales as the plaintiffs.