

State of New York

Department of Conservation

WATER POWER AND CONTROL COMMISSION

Water Supply Application No. 1839-A

In the Matter of the Application

- of the -

Town Board, Town of Guilderland,

(on behalf of McKownville Water

District), for the approval of its

acquisition of a source of water

supply and of its financial and

engineering plans for the construc-

tion of a water supply system.

MC KOWNVILLE WATER DISTRICT

MODIFYING DECISION

Application filed May 17, 1948

Original decision June 8, 1948

Modifying decision Dec. 9, 1958

MODIFYING DECISION ON WATER SUPPLY APPLICATION NO. 1839

PROCEEDINGS

Earle B. Conklin, supervisor of the Town of Guilderland, Albany County, acting in the name of said town and on behalf of McKownville Water District in that town, on May 17, 1948, filed an application with the Commission for approval of the plans of said town for the acquisition or taking of a water supply for McKownville Water District through the purchase and rehabilitation of the plant and property of the existing waterworks system in the hamlet of McKownville, the taking or condemnation of lands for a new or additional source of water supply, and of the construction proposed in connection therewith. This application was approved by the Commission on June 8, 1948. Among the paragraphs contained in the Commission's decision was the following condition:

“2. The town must acquire by ownership the land adjacent to and including the existing reservoirs shown on Exhibit F submitted with this petition and remove from the area so acquired any sources of pollution such as cesspools, privies or unsatisfactory sewer lines. Such land must in the future be used for water supply purposes only. It is suggested but not now required that this area be fenced.”

On November 21, 1958 the town of Guilderland filed a petition duly verified by John E. King, its present supervisor, asking that said condition “2” of the Commission's decision be modified to permit the town to lease a certain portion of the lands adjacent to the McKownville reservoir.

After due study of the request for modification of the Commission's decision of June 8, 1948 the Commission finds as follows:

FINDINGS OF FACT

1. Adjoining the easterly and northerly sides of the McKownville reservoir there is under construction a proposed shopping plaza to be known as Stuyvesant Plaza Shopping Center.

2. The Town Board has by resolution agreed to lease perpetually the extreme easterly 50 feet of the land adjacent to the reservoir for the sole purpose of ingress and egress to the shopping plaza. In this area there presently is an open drain from the overflow of the reservoir and the developers of the shopping center propose to install in this section a 24-inch pipe extending from the dam in an easterly direction to a culvert which passes under New York State Highway Route No. 20.

3. The pipe will be covered with earth and a roadway will be constructed to permit access to the plaza. No parking will be permitted adjacent to the reservoir. In addition, the developer has *agreed to grade and landscape* the area and to construct a fence along the westerly boundary of the roadway and the northerly boundary of the reservoir.

4. Drainage from the area will be directed away from the reservoir in an easterly direction. Sewage from the various buildings that are constructed will flow to a treatment plant to be located east of the reservoir and thus will not affect the reservoir.

5. It is believed that adequate protection of the supply can still be afforded[?] even with the construction proposed. There is even a definite possibility that conditions surrounding the reservoir may be considerably improved.

6. In consideration of the aforesaid facts, a modification of the requirement imposed by condition "2" of the Commission's decision of June 8, 1948 can be granted.

DETERMINATIONS

Therefore condition "2" of the original decision of June 8, 1948 can be and hereby is revised to read as follows:

"2. The town must acquire by ownership the land adjacent to and including the existing reservoirs shown on Exhibit F submitted with this petition and remove from the area so acquired any sources of pollution such as cesspools, privies or unsatisfactory sewer lines. Such land must in the future generally be used for water supply purposes only but there may be included within the restricted area a roadway such as is indicated on the map submitted in 1958 in connection with the request for modification of this decision which map is entitled 'Site Plan Stuyvesant Shopping Center'."

In all other respects the said decision shall remain as originally written.

MODIFYING DECISION

WHEREFORE, the Water Power and Control Commission does hereby modify the original decision of the Commission as requested.

IN WITNESS WHEREOF, the Water Power and Control Commission has caused this determination and modification to be signed and has caused its official seal to be affixed hereto and has filed the same with all maps, plans, reports and other papers relating thereto in its office in the City of Albany this 9th day of December, 1958.
WATER POWER AND CONTROL COMMISSION

SHARON J. MAUHS
Conservation Commissioner - Chairman

RICHARD H. SHEPP
Assistant Attorney General, Alternate

CARL E. HAISS
Assistant to the Chief Engineer, Alternate, Dept. of Public Works

Attest:

Secretary to the Commission