

McKownville again weighs possibility

By Tom Friedman

Staff Writer

In the 1920s, trolleys drove within sight of Lydia Hanrahan's modest home on a two-lane dirt road known as Western Avenue.

Looking outside her window today, she sees cars instead of trolleys. Western Avenue has grown to a paved, four-lane road with as many fast-food joints, motels and office buildings as homes.

But some things remain the same. Sixty years ago, residents of McKownville began



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considering the benefits of setting up village government for the hamlet.

Hanrahan, now 85, recalls many in the eastern Guilderland hamlet considered the move too bold and, consequently, a proposal to incorporate was defeated in a referendum.

"I don't think people thought it was big enough to support its own government," she said last week.

In reaction to the changes, many residents are now clamoring for village government just as their predecessors once did.

The leader of the movement for a village is Donald Reeb, an Albany State University professor who is a member of the board of directors of the McKownville Improvement Association. The association lobbies Town Hall on behalf of the hamlet's 2,500 residents.

Reeb maintains that village government in McKownville would give residents control over zoning and planning, thereby eliminating a growing paranoia about handling of zoning decisions by town officials.

In particular, Reeb and others in the neighborhood association assert that village status would give residents final say over the proposed \$85 million Crossgates mall because its site could be included in village boundaries. The association is opposed to the mall that has been proposed for a site just west of the Thurway between Western and Washington Avenues.

Incorporation would be insurance that the mall isn't built, Reeb says. The state Environmental Conservation Department is expected to rule in October on 11 permits needed for construction by developer, Pyramid Crossgates Co.

According to Donald A. Walsh, general counsel for the New York Conference of Mayors and Municipal Officials, most villages in the state were created by residents

who feared town officials had little interest in their wishes.

"You've got to remember that towns aren't natural subdivisions but geographic ones established by the state Legislature about 200 years ago. In many cases, they were defined by surveyors more interested in boundaries than people."

Walsh, whose organization represents 530 of the 556 villages in the state, says most attempts to create villages aren't meticulously designed but are reactions to a threat, such as commercialization.

For example, he cites an unsuccessful attempt by residents in the Westchester County hamlet of Purchase and a successful attempt in Rockland County.

In the case of Purchase, a group of residents, who were disgruntled with the Harrison Town Board's approval of plans to build the corporate headquarters of Pepsi-Cola Co. and Texaco near their homes, tried to form a village. Their efforts were stymied by town officials who incorporated the whole town.

State law allows villages to be formed in towns but not villages within villages, Walsh said.

In the case of New Square in Rockland County, a group of religious Jews, who wanted to maintain their traditional way of life, incorporated their community into a village in 1961. "They wanted to keep out industry and apartment complexes," says Gerald Kornfeld, who served as an attorney for the residents.

But opponents of incorporation in McKownville find no consolation in the short-term benefits, even if one of them is the death of the Crossgates proposal. For example, Karl E. Felsen, who purchased a house at 53 Mercer St. three years ago, believes that even if village government could stop the Crossgates project, it will not serve any other good.

"I like others in McKownville would like to see Crossgates go away, but I know from my experience at work that villages are more trouble than they're worth," Felsen remarked last week. He is director of correspondence for Stanley Fink, speaker of the state Assembly.

Felsen, who has organized a group, called "Common Sense," to fight incorporation, is particularly concerned about what he calls "another layer of government." He says that would mean more elections, expenditures and complications.

He points to the cost of running a village government. "It's the little things that cost such as snow plowing and leaf pickups."

A preliminary study presented to the association's general membership showed McKownville residents will pay the same amount or less in taxes to operate the same services now offered by the town. Reeb, who compiled the study, said he based his conclusions on a comparison of the 1980-81 town budget and the budgets of 10 villages in the state.

His study showed that residents could have paid \$63,933 per \$1,000 of assessed

valuation in 1980-81 — equal to the town rate — and created a \$74,000 surplus for a theoretical McKownville village government.

Another opponent of incorporation, John Smircich, a town board member who lives in McKownville, claims the improvement association's fears about Town Hall's tendency to support development in McKownville are unfounded. "I don't think the town has done a terrible job about development in McKownville," says Smircich who was once president of the improvement association.

"Certainly, things have happened on Western Avenue, but let's face it, there are other factors, like the proximity of the Northway, that have created great pressure," he says. The Northway begins at Western Avenue in McKownville.

Smircich, who is opposed to the Crossgates project, suggests many of the association's worries will end when the town's master plan review is complete.



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Started last winter, the review is supposed to evaluate whether zoning in the town meets the needs of residents and business.

"Lookit, we aren't trying to make life more difficult," asserts Melvyn Behn, president of the improvement association. "But through the years, the town hasn't paid attention to our wishes. For example, we didn't want the Across the Street Pub because it would create noise. Now the neighbors complain to no end. And then there's the office building at 1450 Western Ave. We thought it would create traffic. And, that's what happened."

One of the community groups against incorporation is the McKownville Fire Department. The volunteer department of 25 men argues that the strategy of using village zoning powers to eliminate Crossgates is wrong.

"It would undoubtedly open a Pandora's box," says Fred Abele, a fire commissioner. "The village would have lawsuits filed against it by the developer. And, who would have to pay to fight them — the village."

According to Abele, the entire department membership has promised to resign if the hamlet is incorporated because, "We'd be an arm of village government and subservient to it. We'd have to compete for funds and that could hamstring us. We like independence."

But Behn says that the goal of incorporation isn't to allow a small group of residents to gain control over others. "It is my under-

y of becoming a village

standing, there is a legal arrangement that would allow the department to remain independent."

The arrangement calls for making the fire district larger than the proposed boundaries of the village and thus superceding a state law that requires village governments to take responsibility for all special use districts within its boundaries, he says.

Nevertheless, Behn says he realizes opponents of incorporation have legitimate worries and consequently his association has decided to make an in-depth study of what, if any, difficulties a village might face.

The future of incorporation will hinge on the results of the study, he adds.

For Lydia Hanrahan, the recent clamor for incorporation brings back memories of the 1920s.

"I don't remember if there were any issues of importance. As I recall, no one seemed very emotional then. I wasn't too upset. I probably voted for it, though, because I lived next to the Whitbecks who wanted incorporation."

Now, she says she has better reason to vote for incorporation if it comes to a vote. "I'll do anything that is a reasonable way to stop Crossgates."