

JOHN E. SHEA
ATTORNEY AT LAW

P.O. BOX 843
ALBANY, NEW YORK 12201

March 2, 1981

Robert F. Flacke, Commissioner
Department of Environmental Conservation
50 Wolf Road
Albany, New York 12233

RE: Pyramid Crossgates Co.

Dear Commissioner Flacke:

The undersigned represents the McKownville Improvement Association at the above-captioned proceedings. We have now received the new submissions of the Applicant. Please be advised that we request a continuation of the adjudicatory hearings in order to test the conclusions of the Applicant under oath. This request should not be deemed as an acceptance of the correctness of your interim decision of November 28, 1980.

Applicant's proposal to widen Western Avenue, Alternative #4, is not acceptable to the people of Guilderland. Mall traffic forced into this heavily travelled corridor will have an adverse effect upon the safety, health and welfare of the community. We expect to call witnesses who will testify to these facts. Charles E. Carlson, the Regional Director of D.O.T., has publicly stated that the Crossgates regional mall, as proposed, would have an adverse impact upon Western Avenue (see attachment).

We believe that the foregoing are substantive and significant issues which require the continuation of the adjudicatory proceedings. We look forward to a prompt response.

Sincerely,



JOHN E. SHEA

cc: Richard Persico, Esq.

Service List

Guilderland facing own 'Wolf Road'?

By SHARON GAZIN

Knickerbocker News Reporter

GUILDERLAND — Traffic congestion on Western Avenue if the \$85 million Crossgates Mall is built will mirror that on Colonie's Wolf Road, says the area's top transportation official. But whether that is acceptable must be decided by the state Department of Environmental Conservation (EnCon).

Charles Carlson, regional director for the state Department of Transportation, said Western Avenue would have traffic levels that are rated "D" and "E" — undesirable — after the mall construction if the developers do road work they promised during environmental permit hearings for the mall this spring. A project developer disputes Carlson's contention.

William Dickerson, EnCon administrative law judge, conducted environmental permit hearings on the plan and will make recommendations to EnCon Commissioner Robert Flacke.

Carlson said Dickerson must decide whether traffic conditions similar to those on Wolf Road would be acceptable.

"The way in which traffic is handled is one of the major decisions the administrative law judge will have to face," Carlson said.

A decision on whether to grant the permits needed for construction of the \$85 million mall is expected in December.

The transportation department rates highways under its jurisdiction according to the degree of congestion on the various roads. An "A" rating is the most desirable and "F" the least desirable.

Carlson, who said last week that Wolf Road has a "D" rating and is "fast approaching E," said Western Avenue conditions would be similar to those on Wolf Road and Central Avenue.

"What already exists on Central Avenue and Wolf Road is what will exist on Western Avenue," he said.

Carlson said that while the department sometimes builds roads to level "D," "Level E starts to become unacceptable. People are irritated by level of service 'E,'" he said.

Carlson said that level of service "E," which he anticipates will exist on Wolf Road, is capacity level for a road, while level "F" indicates a breakdown of service.

Traffic conditions on Western Avenue have been a major cause for concern in the town of Guilderland.

Last December, local Republican Party officials stated their opposition to the proposed mall based on traffic plans submitted by the Pyramid Crossgates Co., the mall's developer.

Matthew Mataraso, Guilderland Republican chairman, released a statement opposing the mall because the widening of Route 20 proposed by the company would "overwhelm the neighborhood, forever changing its residential character."

During environmental permit hearings, Pyramid recommended traffic plans calling for widening of Route 20, making an existing bridge over the Thruway one way and adding another bridge for traffic going in the other direction.

James Vlasto, spokesman for Pyramid, said the firm has contended the level of service will be improved on Western Avenue if it is allowed to build the mall.

Vlasto said the traffic problems that exist on Wolf Road could not be compared with those on Western Avenue, and were the result of poor planning.

"I don't think anyone with any experience in transportation would make a comparison between Wolf Road and Western Avenue. The Wolf Road situation developed because of poor planning and excessive growth," he said.

Vlasto said the company planned \$8 million in road improvements in the area to avoid traffic problems on Western Avenue in the future.

Vlasto said Carlson "was not participating in our hearings and I'm not sure he is that familiar with the testimony, either by his own people or our people."