

Crossgates issues seen as not substantive

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GUILDERLAND — In the face of attempts by opponents of the \$85 million Crossgates mall to reopen environmental hearings on the proposal, lawyers for the mall's developer have told state Department of Environmental Conservation Commissioner Robert F. Flacke that the hearings' reopening is not required because mall opponents have raised no substantive issues.

In a letter to Flacke, Donald S.

Snider, lawyer for Pyramid Crossgates Co., contends that mall opponents "fail to raise substantive issues which have not previously been tried and determined adversely to the opponents."

The letter mentions one Crossgates opponent, Lindsay Childs of McKownville, as re-challenging "issues which have already been established in the record (of last year's public hearings on the proposal)."

But Childs, a professor of mathemat-

ics at the State University at Albany, said Thursday that he thinks "it's unfair of the commissioner to allow Pyramid to fix up its case in certain areas without allowing us to argue other related issues."

Childs also said some of Pyramid's traffic studies contain errors.

"Just because somebody does a computation or analysis doesn't mean it's right," Childs said. "These new computations have to be tested under cross-examination."

At present, Pyramid Crossgates is awaiting EnCon action on its request for 11 environmental permits. Flacke, unsatisfied with evidence gathered during several months of public hearings last year, asked the developer for additional information.

Flacke has until April 28 to reconvene the public hearings on the proposal, close the record to public comment and render a decision within 60 days, or ask for more information.

Childs said Snider's letter to Flacke came as no surprise. "After all, it's his job to avoid hearings and to have the commissioner make a ruling without any more hearings."

Child's wife, Rhonda, a member of Concerned Citizens Against Crossgates, said there is a need for further hearings because "we don't feel we have a full enough picture from the applicant (Pyramid).

"EnCon needs to provide a forum for Pyramid to provide its data. It's hard for us to respond to half a packet of information. They never give us their back-up computations (used in traffic and air quality studies), so we feel we need to address the people who have prepared their studies."