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Pyramid Partner Confident Of Crossgates Mall Approval

By CARLO WOLFF
Gazette Reporter

GUILDERLAND — A Pyramid Crossgates Co. spokesman says he is confident that the \$85-million mall his firm proposes to build in Guilderland will be approved, especially now that a high official in the state Department of Environmental Conservation has recommended its conditional approval.

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Pyramid partner Bruce Kenan said yesterday he is "very optimistic" about the proposed mall, which would house at least 150 stores on 168 acres in the Pine Bush. Kenan said he's had high hopes for Crossgates ever since hearings on the matter closed last July, and the recent decision by DEC Commissioner Robert F. Flacke not to reopen those hearings has fueled his hopes.

In addition, DEC air division chief Harry Hovey issued a memorandum yesterday recommending approval of Crossgates provided Pyramid and the state Department of Transportation develop new plans designed to meet air pollution standards.

Kenan said he doesn't foresee difficulty in coming up with alternate plans.

Flacke on Monday issued a three-part statement, saying he will not reopen the hearings and giving interested parties until May 11 to comment on measures which DEC's air division has set for Pyramid in regard to alleviating air pollution at Intersection 1, the stretch of West-

ern Avenue from Schoolhouse Road west to the Northway.

The commissioner also said he will decide within 60 days whether to grant the 11 environmental permits the Syracuse-based firm needs before approaching the town Zoning Board of Appeals for Special Use Permits linked to setback and highway-widening variances.

In yesterday's memorandum, Hovey said that after reviewing Pyramid's latest submissions on air pollution and traffic the mall might generate, his division recommends the mall proposal be approved.

But Hovey's memo added that approval should depend on Pyramid working with DOT to develop recommendations for traffic signals, improved traffic flow and roadway realignment in an effort to negate the possibility of air pollution violations at Intersection 1.

The Hovey memo also said DOT must commit itself to Pyramid for final, appropriate changes by 1982, when the mall is scheduled to open, before DEC grants approval.

Hovey said yesterday his division is concerned with the possibility of excessive air pollution caused by traffic lined up at Schoolhouse and Western. But if Pyramid can change the traffic signal plans so that such lining-up, or "queuing," is spread around more equitably, air-pollution dangers might be negated, Hovey indicated. He added he expects it will take Pyramid and DOT up to three months to prepare new plans.

Kenan said yesterday, "We don't think there's any problem" in adjusting Pyramid plans to conform to DEC requirements. He also said DEC air pollution data may be recalculated and DEC even now acknowledges that Pyramid could meet the department's current air pollution standards by 1985.

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The Hovey memo and Flacke's Monday statement represent consecutive setbacks to opponents of the mall, who said yesterday they are still considering legal action to block the project.

And Rhonda Childs, leader of Concerned Citizens Against Crossgates, said she's written Flacke a letter protesting what she called a "secret meeting" alleged to have taken place Thursday between DEC staff and representatives of Pyramid.

Mrs. Childs said that she was delivering her group's opinions on the Crossgates air pollution situation to Flacke's office Friday when she came across Pyramid partner Robert L. Ungerer and attorney Michael Shanley in Flacke's suite in the DEC office building on Wolf Road in Colonie.

Shanley is a former Guilderland town justice and Crossgates proponent. His voice served to narrate a slide show Pyramid prepared for last weekend's Retail Trade Show at Farnsworth Middle School. The Pyramid exhibit and slide show extolled the Syracuse-based firm's Mall at Ingleside, a 1.1-million-square-foot enclosed shopping center in Holyoke, Mass.

Pyramid has built 32 shopping centers in the last 12 years, all but two of them in New York. The others are in Hadley, Mass., and Holyoke. In addition, a proposal for an enclosed mall Pyramid wants to build in Williston, a rural suburb about eight miles west of Vermont's largest city, Burlington, is now before the Vermont Supreme Court.

According to Kenan, about two-thirds of the 32 Pyramid shopping centers are enclosed malls, as Crossgates would be.

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Mrs. Childs said she ran into Ungerer in Flacke's suite, then later in DEC general counsel Richard Persico's office. She said she has written Flacke protesting such "ex-parte communications" between DEC and Pyramid, saying the use of Flacke's suite and DEC telephones violates state law because the incident was not publicized to all the Crossgates parties.

Persico yesterday denied Mrs. Childs' "secret meeting" allegations.