

Crossgates foes fight hearing-rule changes

By EDWARD CAREY

Knickerbocker News Reporter

ROTTERDAM — For opponents of the proposed Crossgates Mall, the public hearing on proposed changes to state Department of Environmental Conservation regulations governing permit applications and public hearings was a reunion of sorts.

A half-dozen of the most vocal opponents of Crossgates who had attended months of public hearings on the proposed \$85 million Guilderland mall were among the 40 persons who filled Rotterdam Town Hall Monday night at a public hearing conducted by EnCon.

The hearing was one of nine around the state on proposed changes in the department's regulations covering permit applications by developers and public hearings on the permits.

While Daniel Ruzow, EnCon hearings and regulatory counsel, told the audience the purpose of the proposed changes is to "provide streamlined revisions" to the department's regulations, people in attendance said they feared the department was trying to meet developers' demands for expediency at the cost of public participation.

Rhonda Childs, president of Concerned Citizens Against Crossgates, said the proposed changes would "undermine the rights of the people."

"The public which participated in the Crossgates hearings did so at high costs with no personal gain intended or received," she said, noting her group "brought in experts (to the hearings), which helped considerably. Any help the state receives should be welcomed."

Edward Fogarty of Westmere, who said he attended more Crossgates hearings over their five-month duration than any other person "aside from the

hearing officer (William Dickerson) and lawyers for EnCon and Crossgates," said: "If anything is done to clip the wings of the public in the protection of its own interest, a great disservice will have been done to the people of this state."

Other Crossgates opponents made specific recommendations to Ruzow on the proposed changes, which will be finalized, modified or rejected by EnCon Commissioner Robert Flacke based on statewide public hearings.

Lindsay Childs, a mathematics professor at the State University at Albany, who has spoken out against Crossgates, said the proposed changes "will cut down by 60 percent the time the public has to prepare itself (for possible public hearings)."

Under the proposed changes, projects of significant impact would be announced to the public, with the public given the chance to request a public hearing. If there were significant requests, a public hearing would be conducted; if not, the applicant might

go straight to a "decision conference" between the applicant and EnCon officials.

Childs said that if this change is enacted, the public will have only 50 days between the time the application is announced and the decision is made whether to conduct a public hearing. At present, the public has 90 days between the time the application is announced and the time public hearings on the request begin.

John Shea, attorney for the anti-Crossgates McKownville Improvement Association, said the proposed changes "fly in the face" of current laws and court decisions.

Shea said that under state law, state departments must "encourage public participation in government review" and decisions, and said EnCon is attempting to limit public input because "Crossgates was the project of the greatest magnitude ever faced by EnCon, and EnCon was incapable of dealing with Crossgates."

Several persons at the hearing com-

plained the public was not given sufficient notice of Monday's hearing, but Ruzow said legal advertisements were placed in local newspapers April 15, and that press releases recently were sent to these newspapers.

Others in the audience identified themselves as living in neighborhoods that will be affected by the proposed changes.

Bruce Morrison of Rotterdam, who said he lives near the site of the proposed Wilmorite mall, said: "The purpose of EnCon's hearings should be to protect the public, not the developers. I see efforts being made to cut me out of the (application review) process, and I've spent too much time over the past five years to be cut out now."

Ruzow assured the crowd its comments would be taken into consideration, and invited all interested persons to submit written comments to Del Palmieri in EnCon's Division of Regulatory Affairs, 50 Wolf Road in Colonie, before Friday.

Guilderland mini-mall plan advances

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GUILDERLAND — The Stewart's Ice Cream Co.'s plan to build a "mini-mall" at Routes 20 and 146 are one step closer to actuality after the town Planning Board unanimously recommended the Town Board rezone the land from B-1 to B-2.

Stewart's requires B-2 zoning to install gas pumps, which with a Stewart's Bread 'n Butter Shop and several small stores will make up the "mini-mall" at a site now occupied by a vacant Texaco station.

The Town Board asked for the Planning Board's recommendation.

Chief Building Inspector Paul Empie told the Planning Board Monday "a vacant business spot doesn't attract new business. Stewart's will pull out of town if they don't get the rezoning, and the land will sit there idle for a long time."

While several board members expressed concern the rezoning might be interpreted as spot zoning, board counsel Harry DuBrin said the change to B-2 probably wouldn't be seen as spot zoning because the site previously was used as a gasoline station.

Land surrounding the 1.6 acres is zoned B-1, a lighter business usage, and R-20 residential.

The Town Board is waiting for a recommendation by the Albany County Planning Board before voting on the zoning change.

At last week's Town Board meeting, several gas station operators in the area opposed the plan to include gasoline service at the mall, saying the Route 20 area will not support any more stations.

The Planning Board advised the town Zoning Board of Appeals that a proposal by developer Armand Quadrini for a mixed-use center, Tollgate Village, at Routes 20 and 155 is not incompatible with the town's master plan.