

# Crossgates opponents map legal strategy

By EDWARD CAREY

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McKOWNVILLE — Opponents of the proposed Crossgates mall in Guilderland are preparing themselves for legal

action in the event the mall's developer gets the 11 environmental permits it needs from the state Department of Environmental Conservation.

Litigation is "expected," and lawyers

to handle the lawsuits are currently being interviewed, members of the McKownville Improvement Association were told Thursday night.

The McKownville Improvement Association, a neighborhood association in the Guilderland hamlet of McKownville, is strongly opposed to construction of the \$85 million mall, and already has contributed \$1,600 over the past year to Concerned Citizens Against Crossgates, an anti-mall group.

"We hope litigation is not necessary, but we have to plan for that. The commissioner of EnCon (Robert Flacke) is not doing his job, so the battle may have to be won in the courts. But the battle will be expensive. We estimate it will cost every household in McKownville \$20, and we're interviewing lawyers now," said John Shea, who has donated his services as counsel to the association in the past, but announced Thursday he will be moving from the hamlet in the near future.

Shea said "the outlook is good" as far as an anti-Crossgates victory in the courts is concerned. He said EnCon and Flacke have "violated the due rights of the Concerned Citizens Against Crossgates, the McKownville Improvement Association and the people of Guilderland." He also said lawsuits might be won by the group on the grounds that EnCon officials met unlawfully with representatives of Pyramid Crossgates Co., the mall's developer.

Shea, in April, requested the suspension of consideration of permit applica-

tions by Pyramid on the grounds Pyramid, EnCon and state Department of Environmental Conservation officials were conducting clandestine meetings that are not allowed under Section 307 of the State Administrative Procedure Act.

"For now, we must think in terms of raising money for more litigation. We look forward to winning in litigation," Shea said, adding he estimates anti-Crossgates groups already have expended "in excess of \$200,000" in money and services to fight the mall.

Lindsay Childs, a Crossgates foe and member of the McKownville Improvement Association, did not have an exact count on the number of homes in McKownville, but estimated it somewhere between 500 and 800.

Flacke is scheduled to make a decision on the permits needed by Pyramid by the end of June, but may postpone that date if an extension is requested by Pyramid, Childs told the association.

Shea urged people to "pin down" candidates running for town supervisor and Town Board this November on their position on Crossgates.

Members of the association Thursday night also elected Donald Reeb, an economics professor at the State University at Albany and a Crossgate opponent, as the group's president, replacing retiring President Melvin Behn. Reeb served as the group's president for three years before Behn's one-year term this year.

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