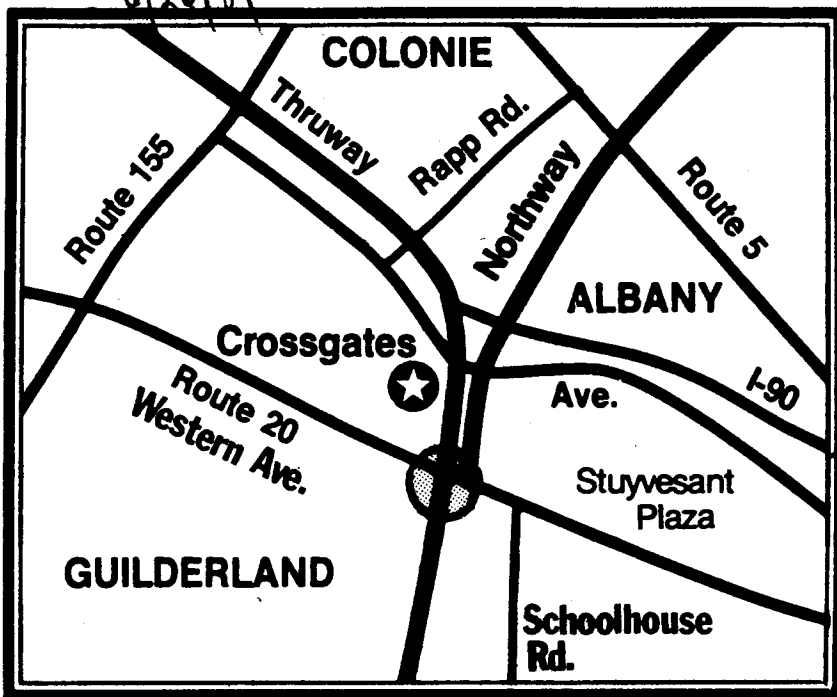


Crossgates: Door's still open



Knickerbocker News Map

KEY ISSUE — Shaded area shows Western Avenue-Northway intersection, the basis for EnCon's denial of Crossgates' permits.

EnCon denial not final

By EDWARD CAREY

Knickerbocker News Reporter

Even though environmental permits were denied Thursday, the proposed Crossgates mall still stands a good chance of being built — if the mall's developer is willing to reconstruct Schoolhouse Road at Western Avenue in Guilderland.

John Shafer, director of the Traffic and Safety Division of the state Transportation Department, said realignment of Schoolhouse Road with the on-ramp of the Northway at Western Avenue "probably will solve" intersection air-quality problems.

State Environmental Conservation Commissioner Robert Flacke Thursday denied permits for the proposed 169-acre mall in the Pine Bush because of potential air pollution from traffic at the intersection, but said the developers may file a new permit application in eight to 10 weeks.

Shafer's division will review traffic proposals the developer, Pyramid Crossgates Co., must submit when it reapplies for the permits.

Flacke said if the developer reapplies to EnCon within two years, the firm needs to address only the predicted carbon monoxide violations at the intersection.

In Flacke's 10-page decision, five possible mitigating factors are mentioned to alleviate the air-quality problems at the intersection:

- Elimination of a proposed fourth lane for westbound traffic.
- Construction of a free-flow right lane onto the Northway on-ramp.
- Installation on Western Avenue of a technologically advanced microprocessor signal control that allows more flexible timing than the control now at the site.
- Implementation of a skip-phase capability for a signal controller

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Air problems won't delay town, highway permits

By SHARON GAZIN

Knickerbocker News Reporter

Pyramid Crossgates Co. can seek clearances from the town of Guilderland and the state Transportation Department even though it has been refused permits by the state Environmental Conservation Department, an EnCon attorney says.

The EnCon finding that Pyramid plans for the proposed Crossgates shopping mall may violate air-quality standards actually constitutes the "final impact statement" the developer needed to pursue approval from the town and Transportation, according to EnCon Civil Counsel Thomas Ulasewicz.

Ulasewicz said Crossgates legally can seek approval from Guilderland and Transportation

even though it has not satisfied EnCon.

"There are different decisions and issues that have to be made. The decisions that we have to make have little to do with traffic or zoning changes. Other decisions can be rendered," he said.

Pyramid needs a special-use permit and several parking variances from the Guilderland Zoning Board of Appeals, and two permits from Transportation, before work can start.

According to Guilderland Chief Building Inspector Paul Empie, Pyramid will need variances for the size of parking spaces, aisle width and number of spaces in proposed lots and a special-use permit from the Zoning Board.

"The Zoning Board must deal with the variances first. Once they get over that thresh-

old, they can go on to the special-use permit. If they don't grant the variances, they can't grant the special-use permit," Empie said.

He said he could not estimate how long it would take Pyramid to get the town permits.

The Transportation Department will require an access permit for a driveway between the mall and Route 20, a state highway, and a highway work permit for construction planned on the Northway and Route 20, according to John H. Shafer, director of the department Traffic and Safety Division.

Shafer said it would be "a couple of months" before the permits were issued. "They have to submit their plans to us, and we'll review them carefully. If they refuse to make the changes we recommend, we'll deny them (the permits)."

EnCon denial not final..

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and/or realignment of Schoolhouse Road so it ends directly opposite the Northway on-ramp at Western Avenue. Schoolhouse Road now ends at Western Avenue east of the Northway entrance, necessitating an additional traffic signal.

Shafer said the first four options present problems and "probably won't solve their problems." He labeled the Schoolhouse Road option "the biggie. It probably could solve the whole thing for them immediately."

He said it was by far "the most expensive proposal. That's why they (the developer) were reluctant to automatically say they would do it without a lot of careful review."

The Schoolhouse Road plan would require the road to "bend to the west" through a large, sandy hill on the site.

After the Transportation Department approves the plan from a traffic standpoint, EnCon must review it to make sure it complies with air-quality standards.

On April 27 Flacke ordered Pyramid to submit within two weeks "factual information" that addressed potential air-quality violations. Pyramid on May 11 gave Flacke papers arguing the revision of air-quality calculations for the intersection would erase any violations.

In its May 11 document, Pyramid said "a realignment of Schoolhouse Road with the (Northway) on-ramp can be accomplished if it is necessary and no other mitigation is possible."

EnCon spokesman Robert McManus said Pyramid's response to Flacke's request "was not specific enough. They didn't submit a specific, precise statement or proposal that stated exactly what they proposed to do in any quantitative way. They failed to meet his request."

McManus noted that if Pyramid had submitted a precise traffic plan for the intersection during that two-week period and if the plan met air-quality standards, the commissioner's decision might have been positive Thursday.

Bruce Kenan, Pyramid Crossgates' managing partner, called the

air-quality issue raised by EnCon a "technical one, one that is readily cured."

He said his company will prove the violation does not exist or change its traffic plan for the intersection. "We already have a shopping list of things that can be done to correct the situation," he said.

Flacke said his department no longer would become deeply involved in ruling on the environmental impact of proposed shopping centers because "shopping centers, with few exceptions, do not have regional environmental considerations. In fact, the issues are clearly local issues . . ."

"I have, therefore, instructed (EnCon) that the primary responsibility for review of shopping malls in the future — in the absence of potential for significant environmental damage of regional or statewide concern — will rest with the local municipality having direct control over the land where the shopping center will be located."

Mall opponents had mixed reactions to Flacke's ruling — some seeing it as another delay in the Crossgates ordeal and some perceiving it as a victory.

John Shea, attorney for the McKownville Improvement Association, an anti-mall neighborhood group in Guilderland, said Flacke will need "a complete adjudicatory proceeding" to make a decision after Pyramid reapplies.

He contends Pyramid must "start from scratch" when it reapplies, and cannot simply have Flacke consider only air-quality questions at the intersection.

Shea said a public hearing on the mall would have to be reopened — something to which Flacke has not committed himself.

Rhonda Childs, president of Concerned Citizens Against Crossgates, called Flacke's decision a "cop-out denial" of the permit process required under the state's Environmental Quality Review Act.

But Don Rittner of the Pine Bush Historic Preservation Project and Greg Bell of Save the Pine Bush called Flacke's decision a "psychological victory."