

# Flacke Says No and Yes to Crossgates Mall

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COLONIE — The state Department of Environmental Conservation yesterday turned down the Crossgates Mall proposal, citing possible air pollution violations.

But what DEC billed as a "final decision" in the three-year-old controversy may still not be resolved until the end of August.

In rejecting the Pyramid Crossgates Co. application, DEC Commissioner Robert F. Flacke said traffic which the 168-acre project would generate on Western Avenue, between Fuller Road and the southern end of the Northway, would violate carbon monoxide air quality standards.

Flacke said if the Syracuse-based company can develop highway and traffic plans to mitigate the carbon monoxide problem, Pyramid could reapply for the permits it needs to build the mall, restricting its revised plans to the carbon monoxide issue.

If DEC rules Pyramid resolved the air pollution problem, it would rule in favor of Pyramid, Flacke said, indicating the process might take up to 10 weeks.

The commissioner said Pyramid had satisfied all requirements DEC needs before issuing the 11 permits the company needs so that it may approach the Guilderland Zoning Board of Appeals for special-use permits and variances.

The mall would be built in Guilderland's Pine Bush in the eastern end of town.

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Flacke coupled his decision with a strong suggestion that cases involving shopping centers give rise to issues that should be handled by local government, not DEC.

"With few exceptions, shopping centers are a basic local government concern," he said. It is a mistake to perceive DEC as the lead agency in land-use control matters, he said, adding that from now on, DEC will be "extremely reluctant" to get involved in local land control issues.

Crossgates managing partner Bruce Kenan hailed the decision, saying: "We gained a few more yards on the ground," and the air pollution problem is "clearly solvable."



— (Gazette File Photo - Jim Cassin)

**CROSSGATES SAGA CONTINUES** — State Environmental Commissioner Robert Flacke yesterday denied an application by the Pyramid Crossgates Co. to build an \$85 million shopping mall near Albany - sort of: His decision is, most likely, only a temporary setback. Flacke decided mall-generated traffic in Guilderland would create an unacceptable level of air pollution; but, the commissioner also decided it would take only a few changes in traffic control plans for the Crossgates shopping center to meet federal air-quality standards. So, the construction of a mall which has polarized the residential and economic communities could proceed, with EnCon's blessing if that final roadblock is cleared.

Pyramid is "encouraged by the fact that we're closer to home," Kenan said, adding the company's engineers will either prove the air pollution violations don't exist or "pick one of the modifications or a combination of them to make them (the violations) go away."

Opponents of the 1.3-million square foot, \$85-million enclosed shopping mall greeted Flacke's statements with skepticism — as did several members of the Guilderland Town Board.

John Shea, attorney for the McKownville Improvement Association, said, "Today the opponents of the project won. But tomorrow is something else." The association he represents was one of several with spokesmen at the news conference, including Concerned Citizens Against Crossgates and Save the Pine Bush.

Shea said he fears new public hearing regulations might make final resolution of the Crossgates issue a "matter of correspondence" between DEC and Pyramid representatives. His and other anti-Crossgates groups plan to call for another public hearing when Pyramid submits new highway and traffic plans.

Concerned Citizens spokesman Lindsay Childs, a vocal opponent of Crossgates since the project surfaced nearly three years ago, said: "Instead of issuing the permits now, they (DEC) will wait until the next application." All yesterday's news conference indicated was a narrowing of the issues, he said.

And Greg Bell, representing Save the Pine Bush, said, "It's interesting, and it's not over with." "The commissioner's putting on a good show," Bell added, and Pyramid "wil try to sneak back in 10 weeks."

Town Board members indicated they felt Flacke's effort to remove DEC as lead agency in shopping center decisions signaled the agency's unwillingness to deal with such political controversies as Crossgates.