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# Deciding Not to Decide

That obstacle the Department of Environmental Conservation has placed in the path of the Pyramid Co., would-be builders of the Crossgates Mall in Guilderland, is like a pine bush before a bulldozer.

After almost six months of hearings, the only objection DEC could come up with to the building of a mammoth shopping mall in the environmentally-sensitive Pine Bush area is that the traffic plan, as designed, would violate carbon monoxide air quality standards. DEC Commissioner Robert Flacke said his agency would rule favorably, should the developers solve this problem. With \$85 million at stake, we suspect they will.

But the mall doesn't make economic sense for this region. Not only would it not bring all the benefits its backers promise, it would hurt existing malls as well as the downtown areas of Albany and Schenectady. That, however, is something for others

to decide. DEC can only concern itself with the environmental impact; and there are reasons enough here not to give the go-ahead: problems with traffic, air, noise and water; the effects on vegetation and animal life; and the reduction of acreage unique in this area.

Flacke turns out to be a reluctant regulator. Like the Supreme Court, which often uses a decision to signal future intentions, he warned that in the future, DEC would leave controversial control issues to the locals. Fine, except it's often impossible to separate political issues from environmental ones — as in Schenectady, where DEC will act as "lead agency" in determining whether a shopping mall can be built near the county's water supply.

Flacke is right in not reaching for powers DEC shouldn't have; but he's wrong in disdaining those it can legitimately exercise.