

December ~~21~~<sup>6</sup>, 1981  
5 Norwood  
Albany, New York 12203

Mr. Richard Murray, Chairman  
Guilderland Zoning Board of Appeals  
Town Hall, Guilderland  
Albany County, Route 20  
Guilderland, New York 12084

Dear Mr. Murray:

I object to the judgment to end the Hearing without advance warning. There is just not enough time to comment on the so-called 'findings of fact' given by Pyramid to the Counsel to the Zoning Board a few hours before the Hearing was closed. The December 8, 1981 document entered by Pyramid makes several false claims--Flacke never "finds" that the project will cost \$85.6 million, he only uses that number as a convenience. See page 5 for the textual use by Flacke, September 18, 1981 Decision. The November 28, 1980 Decision by Flacke, in fact, presumes that the number is \$84 million, page 38, finding 120, but even there it cannot be concluded that Flacke has any independent estimate of the actual cost of the project. The 11-28-80 Decision also contains no indication of economic benefits from the project, other than construction (finding 119) and no indication that there will be any fiscal benefits from the project. The 11-28-80 Decision also indicates (finding 132) that the noise limit of 70 decibels will be violated by the project, as measured on abutting property. Conclusion 13, p. 46 of the 11-28-80 Decision advises local governments to require bonding for the full amount of the project, while conclusion 15, p. 46 indicates that construction employment would be the only economic or social benefit satisfied by the project.

The June 25, 1981 Decision by Flacke, page 8, fourth paragraph, is as follows . . . "The socio-economic benefits asserted for the project are . . . minimal." The June 16, 1981 findings included in the June 25, 1981 Decision goes on to say, page 10, . . . "The applicant has asserted economic benefits. . . These assertions were refuted by other parties to the proceeding." (The June 25, 1981 decision is The Final Decision. See cover page of that document.)

Since the June 25, 1981, Decision, I have provided, under oath, additional data on the Pyramid project to the Zoning Board. I was available for cross-examination at that time: the applicant chose not to question my testimony. The testimony focused on two facts: that the surrounding properties to the project would suffer significant losses in value from construction of the project, and that there would be no significant benefit to Guilderland residents from the proposed project because there would be no significant additions to sales, jobs, incomes, property taxes, sales taxes, or other taxes (paid to the Town, the School District, the Water District, the Sewer District, or to the other Guilderland local governments).

Mr. Richard Murray, Chairman

Page 2

December ~~24~~, 1981

Page 999 of the Guilderland Zoning Law contains two dictums:  
(a) . . . reasonably necessary or convenient to the public health, welfare or the economic or social benefit of the community. . . and  
(e) the character of the neighborhood and value of the surrounding property and reasonably safeguarded. In light of the facts to which I have testified under oath -- that surrounding properties would fall in value and that the fiscal benefits would be minimal and no other benefits would accrue to Guilderland residents, it is not possible for the Zoning Board to grant the special use permit to the applicant.

It must be concluded that the applicants proposal fails both these dictums. I have presented sufficient evidence to conclude that there is no reasonable doubt that the project will cause losses in value of surrounding properties and that this loss in value, along with the lack of fiscal benefits or economic benefits, makes the project neither necessary nor convenient to the public health, welfare, economic, or social benefit of the community.

Three additional notes: (1) the November 28, 1980 Decision, page 7, finding 5, indicates that the permits relate to 7090 parking spaces, which is some 500 less than the present proposal requests -- we are not talking about the same project anymore; (2) the present Zoning Board is a 'lame duck' board, and as such it should not make far reaching decisions, or else it will suffer the wrath of others, a lesson that might be learned from history; and (3) a news story in todays Times Union indicates that Filene's is going to open several "basement stores" that is, discount houses, in the New York City metropolitan area. I wonder if that is the type of store being discussed for the project -- another discount store? A copy of the clipping is enclosed.

Sincerely,

Donald J. Reeb, Ph.D.  
(Economics)

DJR:df  
ENC.

P.S. It may sound insincere, but I do wish all of us a good Holiday.

# Filene's coming to Big Apple

*New York Times*

NEW YORK — Filene's, the Boston department store chain that operates what may be the country's best-known bargain store, said Friday that it will come to the metropolitan New York area next spring with four of its so-called basement stores — three on Long Island and one in Queens County.

Merwin F. Kaminstein, chairman and chief executive officer of Filene's, said that his store division obtained approval of the plan Friday from Federated Department Stores Inc., the parent company. Federated, based in Cincinnati, also operates Bloomingdale's and Abraham & Straus, as well as the 12 regular Filene's stores, the downtown Boston basement store; and five suburban basement branches, in addition to stores in other cities.

The entry into the New York market by Filene's is certain to heat up an already highly competitive retailing environment here.

In interviews in both Boston and New York this week, Kaminstein and his top staff for the basement stores said that the decision was partly based on the relative closeness of the New York market. "It is only 250 miles from our base so that the move doesn't put a burden of distance on our staff," Kaminstein said.

The sites for the stores in this area are still under negotiation, according to Johan, and so the exact locations of the new basement stores are not yet available. The stores will be similar to the Filene's basement stores in the Boston area, which range in size from 30,000 to 40,000 square feet, have sales of from \$6 million to \$10 million a year, and employ about 100 people each.

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