

The McKownville Improvement Association

January 20, 1982

See Gazette 1/16/82
Surprise in Guilderland

There is a public meeting
at TOWN HALL at 7:30 PM
on Tuesday January 26, 1982.

PLEASE BE THERE.

Kevin Moss has proposed
that the Master Plan be
revised and that the land
behind the McKownville
Methodist Church be rezoned
to "light industry". This
will not save all of the Pine
Bush but it will save lives
on Western Avenue. It is a
good compromise. But you need
to make up your mind -- is
this what you want? If it is,
then come to the Town Board
meeting, bring a friend,
talk it over with your

Kevin Moss, Guilderland's new supervisor, has a picture of what the town should be like, and it doesn't include Crossgates Mall. The picture seems to conform to the town's master plan, as well as the desires of many Guilderland residents.

Moss has recommended rezoning to "light industry" three parcels of land -- one of which includes the site of the proposed mall. If the town board goes along, the mall's developers would be shut out, just months before ground was to be broken. That is, if the town won the inevitable court challenge. Would it?

The legal precedents appear to say yes. In zoning cases, courts have refused to interfere unless the complainant can prove beyond a reasonable doubt that the legislative body's action was arbitrary. With a 10-year-old master plan that calls for low-key development, and a 1981 recommendation by a master plan review panel that the town seek light industry, Moss' plan could hardly be called arbitrary.

Pyramid is sure to argue that it's unfair to change the rules after the game has been played. Last year, after many hearings, the Department of Environmental Conservation gave the mall the go-ahead, as did the town's zoning board --

narrowly. But the courts have emphasized that zoning, while it should be stable, is by no means static. It can be changed for legitimate public purposes. And the maintenance of natural or rural qualities -- which involves preventing noise, pollution and congestion -- has long been recognized as a legitimate public purpose.

Crossgates could also claim that the elaborate preparations it has undertaken gives it a vested right in the land, with or without a rezoning. But preparation is not the same as construction, and Guilderland has not intentionally kept the company from starting construction. Guilderland shouldn't have to become something it doesn't want to be just to keep a corporation from losing money. In any event, Crossgates would be able to get a reasonable return on the land.

Like Moss, we oppose the mall, but not just because of the effect on the town. We also think the mall would seriously hurt existing area businesses, while not attracting enough customers to support its grand size. The Capital District doesn't need another shopping mall.

It would have been better if the rezoning plan did not come at the last minute. But legally, Guilderland seems to have a good case. If the town board believes the plan reflects sentiments in the community, it should adopt it.

neighbors. THIS IS ONE MORE CHANCE TO STOP CROSSGATES. We need this chance. The court cases are being put into place-- largely through the work of Concerned Citizens Against Crossgates and your donations and money raised by the sacrifices of your neighbors and you. The court cases will go forward as will our urging to property owners not to sell their property to Pyramid. We are, of course, still urging the State not to issue Pyramid their final permits. All of these actions are necessary to STOP CROSSGATES -- along with your attendance at PUBLIC MEETINGS and your donations. Please give again and give generously. The Treasurer of the Association is Steve Witham, 1 Norwood. Please mark your contribution "For the Legal Fund". Thank you.

- Don Reeb Mel Behn Marey Bailey Steve Witham
- Gus Baglione Bill Butler Lindsay Childs Dorothy Ellinwood John Esler
- Joe Jenkins Sharon Levey Robert Scardamalia Alice Torda

Donald J Reel