

Mall foes say EnCon's ruling pro-business

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Opponents of the Crossgates mall proposal continued to fight the controversial Guilderland project Tuesday despite a decision Monday by state Department of Environmental Conservation Commissioner Robert Flacke to end hearings on the \$85 million project.

Calling Flacke's ruling one against the environment and for business, Rhonda Childs, president of Concerned Citizens Against Crossgates, said there are still many aspects which can be litigated. "There are several avenues of information that have not been fully examined and should have been examined in the hearings," she said.

Childs said the group will meet with local attorneys later in the week to determine "what lawsuits we will pursue. There are certain procedures that must be followed. Whether our group will take up those aspects or go into other avenues, this is yet to be determined". She added that "This is just the beginning of the process."

Childs said the group can still go to the town level, courts and litigation.

Another opponent, however, said that the courts may judge it premature to file suit against Flacke's ruling until the commissioner issues the permits to allow the project to begin.

Lewis Oliver, attorney for Save the Pine Bush (where the mall would be built) said, nevertheless that Flacke's decision to end the hearings "may be completely illegal."

He added that the material submitted by the developers of the proposed mall is "defective" because "it contains many omissions and unfavorable traffic and air data."

Oliver said that his group would pursue legal action if Flacke does award permits for the mall.

Still another opponent of the project, Melvin Behn, president of the McKnownville Improvement Association, said he feels the Department of Environmental Conservation is being "very biased" in their decision to close the hearings.

"It seems to me we're being thrown to the wolves," said Behn, concerning the people who live in the area. "Malls tend to bring people of unwanted status. With the increase in violence and the things happening as they are, malls tend to bring the people of those types in and around the area."

"It seems to me the whole area will be downgraded by the mall."

The commissioner's decision "favors business," said Behn, "despite the fact polls have been taken by people both informally and formally, and people have indicated they don't want it (the mall) around."

Bruce Kenan, a managing partner of the Pyramid-Crossgates project, said Tuesday, "we're very pleased. Hopefully 60 days hence we'll have a positive decision."

However, Childs said, Concerned Citizens "will continue to fight in whatever form we must. This was a political decision not a merits decision."