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OPINION

Environmental studies can stave off Duanesburg sprawl

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For The Sunday Gazette

Citizen opposition to local economic development has been in the news a lot recently across the Capital Region. As Tech Valley grows, and Metroplex sows seed money in the outlying towns of Schenectady County, we'll be seeing many more of these fights — especially if local leaders don't do their homework before bringing major changes into their communities.

The current uproar in Duanesburg is a good example of homework undone. A large group of citizens has shown strong opposition to transplanting the

Power Pallet Co.'s recycling factory from Schenectady to Duanesburg. As in most development disputes, it's easy to turn the participants into distorted, one-dimensional caricatures:

- Selfish NIMBYites (who don't want anything new or different in their backyard or neighborhood);

- Corrupt or cowardly politicians doing somebody a favor, jockeying for future rewards or refusing to make tough decisions;

- Greedy developers who care only about profits, and not about aesthetics;

- Cynical experts and lawyers advocating any position for a fee.

Already, words like "tree-hugger" and "newcomer" are being hurled at the worried Duanesburg homeowners. On the other side, speculation over conspir-

acies, secret promises and tax breaks are sprouting everywhere, and a successful businessman previously known for taking good care of his employees has overnight become the bogeyman to families who thought they had found a great place to live.

Good faith and good facts are the best way to ensure that a rezoning or planning decision is in the overall best interests of a community and meets the reasonable expectations of all parties. This is especially true where the people living in a community have placed their faith in zoning ordinances and balanced master plans meant to protect and preserve their homes and surroundings, while fostering appropriate industry and commerce.

The good news is that a tool already

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exists under New York state law for gathering objective information that will allow developers, the public and decision-makers to assess realistically the impacts of a proposed project or change, in order to help ensure an informed decision. That mechanism is the State Environmental Quality Review process.

Town must comply with SEQR for Power Pallet plan

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SEQR is especially relevant to major zoning changes that affect not just financial interests, but also the quality of life and peace of mind of nearby residents. SEQR's purpose is to bring consideration of environmental factors into decision-making processes at the earliest possible time. Under SEQR, the term "environment" is broadly defined to include not only the obvious physical conditions that may be affected by a proposed action, but also factors of historic or aesthetic significance and changes in the existing community or neighborhood character.

At the heart of SEQR is the Environmental Impact Statement, which allows a systematic look at the adverse

environmental impacts that may occur, along with alternatives. An EIS must be made whenever the proposed action "may have a significant adverse impact" on one or more aspects of the environment. A complete statement lets officials, the public and the developer have a meaningful discussion and make responsible development decisions.

If government officials want to act in good faith and with good information, they need to follow SEQR rules. If citizens want fair and open government, they must insist on adherence to SEQR and pay attention to the process. In addition, the courts must enforce SEQR on behalf of the public and the environment.

From any perspective, the Duanesburg rezoning process needs drastic re-

tuning before a decision is made to approve Power Pallet's request. Power Pallet wants to build a giant steel structure and bring 140 tractor-trailers and hundreds of employees, with all attendant noise, pollution and nighttime illumination, to a rural residential neighborhood, on a parcel that also has designated wetlands. Clearly, Town Supervisor Ken LaBelle's premature declaration that the rezoning "will not result in any significant adverse environmental impacts," and therefore needs no EIS, has no relationship to reality or law.

An Erie County lawyer who specializes in SEQR work on behalf of homeowners (and who happens to be my brother, Arthur J. Giacalone) has said it well: "Zoning is a covenant between a town and its residents — a promise that a homeowner's important financial and

emotional investments will not be devalued by undesirable changes in the character of a community." Duanesburg's Town Board needs to show that it understands this promise and its role in the town's life, as a community and democracy. Compliance with the required SEQR review is a necessary start to the process.

Of course, zoning must be flexible in the face of urgent or changing community needs. But an elected official should have very good reasons, based on very strong facts — and be willing to share those findings with the public and receive its response — before breaking the zoning covenant with the community.

David Giacalone lives in Schenectady. The Gazette encourages readers to submit material on local issues for the Sunday Opinion section.

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