

Town To Sell Land To Stuyvesant Plaza

Pending state approval, the Town of Guilderland will sell slightly over one-half acre of land to Stuyvesant Plaza for further development of the shopping center.

The town board at its regular monthly meeting Tuesday night passed a resolution authorizing Supervisor Carl Walters to make application to the Environmental Conservation department for approval of sale of the land in the McKownville Water District.

Walters said Niagara Mohawk Power Corp. will also sell about one-half acre of their land to Stuyvesant.

One McKownville resident, John Essler of 19 Elmwood St., told the board that research had shown him sale of the land without public hearing was illegal.

Also, Essler said the water district belongs to the residents of the area and is deeded to them. He said he believed the town should keep the land, possibly for expanding the reservoir or making the land into a park.

Town Counsel Frank Williams said the land which is owned by the town can be sold under rulings of section 64 of the law without public hearing.

Walters said land is deeded to water district but is, nonetheless, town-owned, and the procedure is legal.

The supervisor pointed out during discussion that Stuyvesant has been feeling the effects of the "larger regional shopping centers" and the town (and Niagara Mohawk) should help them "continue on and be a tremendous tax base." Walters said Stuyvesant pays one-third the water district taxes in the McKownville area.

Altamont Enterprise, December 1, 1972, page 3
letter to Editor from John K Esler, McKownville resident

Letter To Editor

To the Editor:

I would like to offer the following clarification of my comments at the Guilderland Town Board meeting on Nov. 14, relative to the sale of a parcel of the McKownville Water District property to Stuyvesant Plaza.

Firstly, with respect to the ownership of the basic reservoir property, this was deeded and recorded in 1949 as a sale proceeding from Emma Van Loan to the McKownville Water District. It has never since been deeded to the Town of Guilderland, so how can the Town Board claim that it now belongs to the town?

Secondly, my research to determine the proper procedure to follow in the sale of water district land to Stuyvesant Plaza, located a very specific opinion by the Department of Audit and Control in 1958 to Guilderland Supervisor John King. This opinion was rendered in response to his request for their advice relative to the granting of an easement over the same water district property to the same Stuyvesant Plaza!

It was the opinion of Audit and Control "that a town board could grant an easement over water district property for an adequate consideration where such easement will not interfere with the use of the property for the purpose for which it was acquired by the water district. If the consideration for such grant exceeds \$1,000 a public hearing must be held pursuant to Section 198 (12a) of the Town Law."

The town subsequently granted an easement in 1958 of 0.25 acres to Stuyvesant Plaza for the sum of \$5,500.00.

Later, however, in 1962, the residents of the town prevented a sale of 1 1/2 acres of reservoir property to Stuyvesant Plaza for \$10,000. The value of that parcel was estimated at \$25,000 to \$50,000 by two people who claimed they had clients interested in it.

Still later, in 1968, the town, acting without the benefit of the required notice and hearing, granted an easement of approximately 2.1 acres of the same property to the Plaza for only \$1,000! The town has not been able to locate a copy of this easement, but let's assume it exists since the Plaza has filled in most of the parcel and even black-topped it for a parking lot.

Now, in 1972 the town again has moved to give more land to Stuyvesant Plaza. This time by sale of 0.6 acres for \$2,500 and, as is their way, without the benefit of notice and hearing. The most crucial difference, however, is that now the town claims that the reservoir property belongs to it and not to the property owners within the water district!

I, for one, Mr. Editor, am getting extremely tired of the Town Board attempts to give away our property, and I won't sit still for its latest claim that the entire reservoir property is no longer ours! These actions are patently wrong, and I hope, with the help of the McKownville Improvement association, to prove this to the Town Board, and thereby lay to rest once and for all the notion that our property should be used to subsidize the operation of Stuyvesant Plaza!

John K. Esler, P.E.
19 Elmwood St.
Albany, N. Y. 12203

a more legible typescript copy of this letter from John K Esler
is on the next page

19 Elmwood Street
Albany, New York 12203
November 27, 1972

Altamont Enterprise
123 Maple Avenue
Altamont, New York 12009

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Yours truly,

John K. Esler, P.E.