

# **Report from the Zoning Study Committee on the McKownville Corridor**

## **Members**

Steve Harausz  
Mark Macomber  
Don Reeb  
Alice Torda  
Laura Whalen

May 7, 2006

## **Executive Summary**

The Town of Guilderland established this committee to review the zoning along Western Avenue in McKownville. The south side of the street has been especially troublesome. It bears all the hallmarks of an earlier period in Guilderland when the concern for residential enhancement and preservation in McKownville was not as prevalent as it is today.

With this in mind, out of the 31 properties along the south side of Western Avenue in McKownville, the committee recommends that following ten properties should have their zoning made more restrictive.

This would promote the residential character of all of Western Avenue in McKownville. The changes, while they would occur only along the south side, would also help protect the residential character of the homes on the side streets that intersect both the north and the south sides of Western Avenue and will help protect the residential character of the properties along the north side of Western Avenue, as well.

The committee recommends that the following properties be rezoned.

<b>Tax Map</b>	<b>Address</b>	<b>Owner</b>	<b>Present Zoning</b>	<b>Proposed Zoning</b>
----------------	----------------	--------------	-----------------------	------------------------

52.19-2-4	28-30 Schoolhouse RD	Charter One	LB	R15 (BNRP)
52.20-4-4	8 McKown Road	Blendell, Mary Ellen	LB	R10 (BNRP)
52.20-4-41	1422 Western Ave.	Esmay, Richard E.	LB	R10 (BNRP)
52.20-4-42	1420 Western Ave.	Vandewal, Victor	LB	R10 (BNRP)
63.08-3-3	105 Arcadia Ave.	Fiato, Kale M.	GB	R10 (LB)
52.20-4-1	1450 Western Ave.	Delta Properties	LB	BNRP
52.20-4-1	1444 Western Ave.	Western Ave. Assocs	LB	BNRP
52.20-4-2.1	1440 Western Ave.	Turf Western Ave.	LB	BNRP
63.00-2-1.2	10 McKown Road	Ten McKown LLC,	LB	BNRP
52.20-4-40	1424 Western Ave.	Esmay, Richard E.	LB	BNRP

The first five listed properties look like residences and four of them are used as residences. The committee feels that they should be zoned as residences, R15 or R10. But it is recognized that to move the zoning from LB to R15 or R10 may present a hardship for the owners and lawsuits against the Town—on the grounds of unreasonable taking. Thus, the BNRP and LB parenthetical.

The remaining five properties should also have their zoning changed. The change to BNRP recognizes that this is the zoning class that best reflects each property’s present use.

A more complete description of all these properties is given in the Appendix of this report.

In the process of the Committee members doing the work necessary for this Report, we became aware of other changes in zoning administration that we feel requires the attention of the Town. Herewith are those recommendations, though we recognize that the Committee was not charged with such responsibility.

### **Better Information for Neighbors**

That all neighbors within a 500-foot radius of the project are notified;

That such notification includes the legal notice along with a plain English version, which would more fully describe the project;

That continual notification to neighbors be given when applications are tabled or otherwise delayed or

suspended, no matter how long or short the continuance may be;

That neighbors are notified by mail of Planning Board and Zoning Boards of Appeals hearings at the same time they are sent to the media for official publication;

That neighborhood associations (officially registered with the Town) are informed of these hearings;

That notice of these hearings be posted on the Town's Internet website.

### **Better Information for the Town**

As building permits are issued this information must be provided to both the Planning Board and Zoning Board members (as well as posted on the Town's web site),

That decisions made by the Town's building inspector concerning the continuance of a SUP be provided to the same Boards (as well as posted on the Town's web site). The continuance of a SUP assumes that there has been no substantial change in building use—but there is no clear description in the zoning ordinance of "substantial". This need be remedied..

That the Zoning and Planning Boards must be provided with the historical record of prior Special Use Permits/Variations approvals and conditions for any parcel before them for review.

That a Neighborhood Improvement Advisory District be formed, much like the Pathways Committee, the Economic Development Advisory Committee and the Environmental Conservation Advisory Committee. Older parts of Guilderland, like Guilderland Center, Dunnsville and McKownville, were each subjected to archaic planning and zoning and present unique problems for development and planning and zoning today. As such they need to have their special concerns more closely examined and reports from these committees could provide fresh inputs for the Planning Board and Zoning Board for any development that is proposed for each of these neighborhoods.