

**McKownville Zoning Committee
Report on the Western Avenue Corridor**

2006
August 10, 2006

The Honorable Kenneth Runion
Town Supervisor
Guilderland Town Hall
Guilderland, NY 12084

Dear Supervisor Runion:

As you know, through your efforts the Town of Guilderland established the McKownville Zoning Committee in December 2005. The purpose of this temporary Committee was to review the existing zoning process as it affects McKownville residents and to offer constructive recommendations for improvements. The attached report is the culmination of that process and reflects the collective recommendations of all Committee members.


Essentially, the report provides an overview of the existing issues and problems; a vision for the future; the guiding principles upon which the report was prepared; and a series of specific short and long term recommendations for consideration by you and the Town Board. While the recommendations are those of the Committee alone, they were prepared with considerable input from community residents.

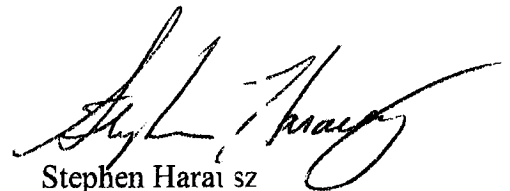
The Committee wishes to express its appreciation for the efforts of Town staff, especially Ms. Jan Weston, Town Planner who provided invaluable knowledge and guidance in the preparation of this document. Also, Mr. Donald Csaposs and Mr. Donald Cropsy were very helpful in providing Committee members with their insight into the zoning and permitting processes.

We thank you for the opportunity to serve the residents of the Town of Guilderland and are available to meet with you, your staff and the members of the Town Board to discuss these recommendations in more detail should that be necessary.


Sincerely,


Donald Reeb


Laura Whalen


Stephen Harasz


Alice Torda

Mark Macomber


McKownville Zoning Committee:
A Report on the Western Avenue Corridor
August 2006

Committee Members:

Stephen Harausz

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McKnowville Zoning Committee: A Report on the Western Avenue Corridor

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I. OVERVIEW

The Town of Guilderland established this local Zoning Committee to review the existing zoning in McKownville and to offer constructive recommendations for improvement. Much to their credit, Town leaders recognize that increasing development pressures are negatively affecting the residential character and quality of life in this neighborhood, especially on the south side of Western Avenue. The present conditions along Western Avenue bear all the hallmarks of an earlier period in Guilderland when concerns for neighborhood enhancement and residential preservation were not as prevalent as they are today.

Consequently, in conjunction with the McKownville Improvement Association, the Committee began its task by holding several public meetings to discuss zoning and development issues and to solicit community input. The following recommendations reflect the results of that process as well as the collaborative efforts of the Committee with both Town officials and other outside parties.

The Committee found that widespread concerns exist throughout the community that the present zoning process does not effectively protect the interests of McKownville residents. It is a generally held perception among residents that development interests too often override those of the community as a whole, and that Town regulatory bodies are not sensitive to the impact development projects have on the quality of life in McKownville neighborhoods. This fact was recently reinforced by a series of controversial requests to, and decisions by, the Town of Guilderland's Planning and Zoning Boards from local businesses for exemptions under the Town's zoning laws (Chapter 280) – exemptions that would have had a significant negative impact on local neighborhoods.

Although development pressures confronting McKownville are of serious concern, they are by no means unique to communities bordering on commercial metropolitan areas. Urban sprawl, "crazy quilt" development, inefficient land use and "de facto" spot zoning are often visible by-products of inadequate comprehensive planning, inconsistent rulings on variance requests and ineffective enforcement of permit conditions and town codes. Consequently, when development pressures inevitably collide with residential interests, the impact can be particularly hostile and derisive. The end result is often bitter and disruptive, pitting businesses, residents,

neighborhood organizations and town officials against one another in protracted conflict.

What is to be done? First, it is important to acknowledge that addressing these disputes by preventing them from erupting in the first place requires that local government leaders search for the proper balance between commercial development and neighborhood preservation. At the core of this objective is the need for fair, transparent and politically acceptable rules under which the planning and zoning processes operate. These rules must be clear, unambiguous, uniformly applied and rigorously enforced if public support and belief in the integrity of these processes is to be sustained.

These recommendations are not intended to be critical of any particular individual, agency or institution. Rather, they are presented with the belief that constructive input will lead to solutions that address issues of serious concern to McKownville residents.

II. VISION

The Committee's vision for McKownville preserves the residential character of Western Avenue as the gateway to the Town of Guilderland. Rigorous, consistent enforcement of the Zoning Ordinance must govern this area on both sides of Western Avenue. Furthermore, in order to preserve the residential character and attractiveness of the area and to ensure that commercial development is compatible with community needs, growth must be managed by encouraging human scale development. Human scale refers to the use of human-proportioned architectural features, site design elements and modes of transportation clearly oriented to human activity.

The main street qualities of Western Avenue should be enhanced through preservation of residential property uses along both its north and south sides. Return to residential property use should occur whenever possible. Western Avenue is a prime commuter road and important commercial corridor. But it is also a hazardous and divisive community barrier that pedestrians must cross at considerable personal risk. Improvement of pedestrian safety and opportunities for crossing Western Avenue must be a priority.

Existing commercial development on Western Avenue in McKownville should be closely governed by strict administration of the Zoning Ordinance. Judicious and informed issuance of Special Use Permits and Variances will foster human scale development in the neighborhood. The Town should encourage improvement of the appearance of existing properties with special

attention given to concerns of residents and seek to mitigate traffic pressures on the corridor. In addition, the Town should work continually to improve access and amenities for pedestrian traffic to foster the development of McKownville as a “walkable” community.

By implementing the recommendations of the completed McKownville Corridor Study and Comprehensive Plan for Guilderland, McKownville can both preserve its special character as a neighborhood and serve as an attractive gateway to Guilderland. This approach requires partnerships of many kinds with many different groups and concerns. The outcome of this approach is a livable, walkable, safe place to reside and do business.

III. GUIDING PRINCIPLES

There are three principles that have guided recent planning studies in McKownville:

A. Preserve Current Boundaries of Western Avenue

Western Avenue as a roadway should not be widened. This principle guided the development of the McKownville Corridor Study completed and accepted by the Town of Guilderland in 2003. In fact, according to that plan the roadway will be narrower in width in order to accommodate sidewalks and green buffers. Construction of the wider buffers and sidewalks is set to begin in 2006. Buffers, sidewalks and additional streetscaping must be added to calm traffic in this problematic area of Western Avenue.

B. Preservation of Residential Properties

The number of residential properties along Western Avenue should be preserved and, when applicable, a return to residential zoning should occur. There are several residences along Western Avenue that are used as homes but zoned for business. The zoning for these properties should be changed to reflect their present use, which must govern all McKownville as well. Additionally, there is potential to develop several Western Avenue parcels currently zoned for business to multi-family residences. This principle of conserving the residential character of Western Avenue in McKownville has guided the work done by this Committee.

C. Improve Attractiveness of McKownville Gateways

McKownville, as a Gateway to Guilderland, requires that Western Avenue properties be

attractive. Selective use of an architectural consultant to review proposals for development and design guidelines fostering human scale construction will assure that new development enhances the appearance of this area. The areas near the Town of Guilderland and City of Albany boundary on Western Avenue and near the Fuller Road Alternate/Northway entrance require special consideration. The gateway principle will become increasingly important as McKownville develops its Master Plan, as required by the Town Comprehensive Plan, completed in 2000. Rigorous enforcement of the zoning ordinance also requires that existing properties be encouraged to maintain their attractiveness and, if deteriorating, to improve their appearance.

IV. WESTERN AVENUE ZONING RECOMMENDATIONS

In order to protect the existing neighborhood and prevent the further encroachment of inappropriate commercial development, the Committee recommends that the following properties be rezoned:

Tax Map	Address	Owner	Present Zoning	Proposed Zoning
52.19-2-4	28-30 Schoolhouse RD	Charter One	LB	R15
52.20-4-41	1422 Western Ave.	Esmay, Richard E.	LB	R10
52.20-4-42	1420 Western Ave.	VandeWal, Victor	LB	R10
63.08-3-3	105 Arcadia Ave.	Fiato, Kale M.	GB	R10
52.20-4-4	8 McKown Road	Blendell, Mary Ellen	LB	R10
52.20-4-1	1450 Western Ave.	Delta Properties	LB	BNRP
52.20-4-2.2	1444 Western Ave.	Western Ave. Assocs.	LB	BNRP
52.20-4-2.1	1440 Western Ave.	Turf Western Ave. Inc.	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 ten listed properties are those where the present use diverges from its zoned use. For example, first a house is used as a residence but is zoned as a business or; secondly, a building is used for various non-retail, service-oriented businesses (BNRP) but is zoned for convenient shopping (LB). There are five homes south of Western Avenue where the first example is relevant.

There are also five buildings where the second example applies. Three or four of these houses are used as homes and are not businesses, and there is no indication that they will ever be (or can be) used for anything other than residences. The other is used as a beauty shop which presently shares parking with an adjacent restaurant. The restaurant is under "sale/lease" which may present a parking problem for the beauty shop (or other business which may locate there in the future). In short, all five of these properties are simple, attractive bungalows which resemble single family residences.

The following analysis discusses each property in more detail.

1. Tax Map Number 52.19-2-4

28 and 30 Schoolhouse Road presently zoned LB New zone, R15

These two Schoolhouse Road properties are near the Citizen Bank property. Except for two office buildings along Schoolhouse and the bank, there are no other non-residential properties along Schoolhouse Road while there are eighteen additional homes along this road. It is primarily a residential street. This structure is being used as a residence. Conversion of this property to a commercial use would damage the residential character of this portion of the road.

This property is not currently used for Local Business purposes and it does not fulfill the required lot size of 20,000-sq. ft. cited in the Town Zoning Ordinance for LB. Both lots together total 20,812 sq. ft. Moreover, it is desirable that no additional commercial properties be located along Schoolhouse Road due to heavy through traffic and difficulty of ingress/egress.

Like Western Avenue, each of the four major highways in McKownville (Western Avenue, Schoolhouse Road, Fuller Road, and McKown Road) is in danger of becoming a venue for more non-residential property uses.

This house is presently occupied and in reasonable condition. It does not display any sign of being difficult to rent or sell and nearby homes on Schoolhouse Road have been sold recently

as homes without apparent difficulty.

2. Tax Map Number 52.20-4-41

1422 Western Avenue presently zoned LB New zone, R10

This structure also resembles a residence and is being used as a residence. It is not currently used for Local Business purposes and it does not fulfill the required lot size of 20,000 sq. ft. cited in the Town Zoning Ordinance to be zoned LB. Present lot size is 13,350 sq. ft.

The younger Dr. Esmay, who has his dental practice on Western Avenue near the Harriman campus, occupies this residence. The lot does not lend itself to commercial development since it has a small front yard, a very narrow side yard to the east and a western side yard that might be able to physically accommodate a driveway and a small backyard. It would have inadequate parking for any commercial use.

There had been much discussion several years ago by the elder Dr. Esmay to merge the parking area at the rear of his building (1424 Western) to that at the rear of the neighboring house (1422 Western). Neighbors strongly objected, citing traffic, noise and loss of the residential character of Westlyn Court. The home is well maintained and there is no sign that the property will attract any non-residential use.

3. Tax Map Number 52.20-4-42

1420 Western Avenue presently zoned LB New zone, R10

This structure also resembles a residence. It does not fulfill the required lot size of 20,000 sq. ft. cited in the Town Zoning Ordinance to be zoned LB. The present lot size is 10,164 sq. ft.

This brick home, with its circular drive, has a very small front yard and no side yards permitting access to the back for additional parking. Like the other homes discussed in this report, it could not accommodate the required parking for the square footage of the building if it were used as a business. The house, from time to time, seems to have contained a package and letter mailing service in conjunction with a residence. Its current use is as a residence.

4. Tax Map Number 63.08-3-3

105 Arcadia Avenue presently zoned LB New zone, R10

This structure resembles a residence. This property does not fulfill the required lot size of 20,000 sq. ft. cited in the Town Zoning Ordinance to be zoned LB. It is a very small lot, 7200 sq. ft. which does not meet the required minimum for R10 but there is no lower residential zoning in the ordinance, so it is recommended to be zoned R10.

This frame home has an unusual nexus. It contains a beauty shop and shares a parking lot with an adjacent restaurant (currently vacant and for sale/lease). This property is located on the west side of Arcadia Avenue (a hilly street that is decidedly residential), which does not permit on street parking at any time. The beauty shop lot is small and probably cannot accommodate the vehicles necessary for the beauty shop operation.

5. Tax Map Number 52.20-4-4

8 McKown Road presently zoned LB New zone, R10

This structure also resembles a residence and is being used as a residence. It is not currently used for Local Business. Intensified use at this site would create further traffic problems in this very busy section of a feeder road to Western Avenue. It should be rezoned to its current residential use.

This home has long been occupied by the present owner and is located across from another residential property between Williams Court and Westlyn Place, both residential streets. It is in good condition and is buffered from the neighboring Pinnacle Place medical building by a wide lawn while on the north side a sizable vacant lot buffers it from Passonno Paint. A high buffer shields the home from the Holiday Inn Express to the west.

Other than Pinnacle Place and the two businesses on the Western Avenue corners of McKown Road, there are no other nonresidential property uses along McKown Road. The unique layout of this road makes it most unsuitable for nonresidential use since it would not support additional commercial traffic.

6. Tax Map 52.20-4-1

1450 Western Avenue presently zoned LB New zone, BNRP

This large office building has recently undergone renovation and is usually referred to as the Picotte Building. It is unlikely to ever be used as anything other than an office/professional building. Retail stores are a most unlikely present or future use. Although an office building is a permitted use under LB, this building does not serve the local population but instead those of businesses and employees from a large area not restricted to Guilderland.

Thus, this property does not deserve the designation of LB but should be more correctly zoned BNRP for its current use as professional offices. This will avoid an intensified use under the LB zoning designation in the event that the building changes ownership.

It is urgently recommended that the Town seek to immediately engage in negotiations with the owners of properties at 1440-1444 Western Avenue and 1450 Western Avenue to remedy a very dangerous ingress/egress traffic problem. on Western Avenue. Remedying this problem may involve the granting of an easement by the owners of 1450 Western Avenue to the owners of 1444 Western Avenue, allowing 1444 clients access the traffic light at 1450 and thereby permitting controlled and safe access to Western Avenue. Failing a negotiated settlement, when the owner of the 1450 property comes before the Town to request a Variance or SUP, an agreement should be negotiated to allow a traffic easement to the traffic light in order to alleviate the dangerous ingress/egress for the adjacent properties at 1440 and 1444 Western Avenue.

7. Tax Map Number 52.20-4-2.2

1444 Western Avenue presently zoned, LB New zone, BNRP

This professional building is used for medical and doctor's offices, a permitted use in the ordinance for BNRP. It is well used as such and it is highly unlikely that it will ever be used for "convenient shopping" under LB zoning designation.

Like its neighbors, nearby shopping is so well established that any attempt to create a new convenient shopping site would be very difficult, economically. In order to change zoning to

its current use, a BNRP zoning designation is recommended.

Significant traffic dangers of ingress and egress exist at this property that must be managed proactively by working with NYSDOT. Agreements should be created with adjacent property owners for access to the traffic light at 1450 Western Avenue whenever the owner of this property requests a SUP or Variance before the Zoning Board of Appeals.

8. Tax Map Number 52.20-4-2.1

1440 Western Avenue presently zoned, LB New zone, BNRP

This professional building is used for medical and doctor's offices, a permitted use in the ordinance for BNRP. It is well used as such and it is highly unlikely that it will ever be used for "convenient shopping" under LB zoning designation.

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Significant traffic dangers of ingress and egress exist at this property that must be managed proactively by working with NYSDOT. Agreements should be created with adjacent property owners for access to the traffic light at 1450 Western Avenue whenever the owner of this property requests a SUP or Variance before the Zoning Board of Appeals.

9. Tax Map Number 63.00-2-1.2

10 McKown Road presently zoned, LB New zone, BNRP

This is a vacant lot between the Passonno Paints and 8 McKown Road. Neighborhood lore holds that it once housed an ice cream store for persons visiting the nearby McKown's Grove. It has long been vacant.

The road is unsuitable for a retail store, which would generate a substantial increase in traffic intensity for the neighborhood. There are homes across the street and to the south. It is recommended that this property be zoned BNRP rather than LB in order to prevent more intense development in the neighborhood. The goal of lower intensity development should be followed.

10. Tax Map Number 52.20-4-40

1424 Western Avenue presently zoned, LB New zone, BNRP

This structure resembles a residence. This property is not currently used for Local Business purposes but instead for professional offices. It should be zoned BNRP.

This is Dr. Esmay's dental practice housing two or three dentists and several dental assistants and office workers. It was built as a single-family residence and was a home occupation/dental office for many years for the elder Dr. Esmay. It has been a very successful practice though Dr. Esmay is retired and resides in Florida. The building still resembles a residence, although it has a paved front yard that is inadequate for the number of patients the practice draws. The paved backyard also serves as a parking area for employees, but Westlyn Court is also used for patient parking. The residence should never have been zoned for such an intensive use. It is not obvious that the building's future will be a dental office and its present zoning designation allows many varied intensive uses. For the neighbors, it should be returned to less intensive use.

V. Policy Recommendations

In order to allow for a more functional review of applications and to facilitate the best public input possible, the Committee recommends the following policies be incorporated into the Zoning and Planning Board procedures.

A. Improved Notification to Neighbors

The Committee recognizes that as a matter of standard operating procedure, the Town notifies neighbors of pending SUP and Variance applications coming before the Zoning or Planning Boards for action. However, too often these notifications do not provide sufficient lead-time for neighbors to study the applications, obtain additional information from the Town, and prepare meaningful comments for consideration by the regulatory boards. Furthermore, the notices themselves are often cursory and do not fully explain the nature of the proposed project. The Committee recommends that the Town adopt official, written policies regarding neighborhood notifications incorporating, at a minimum, the following suggestions:

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1. That all neighbors within a 500-foot radius of the project are notified;
2. That such notification include the legal notice along with a plain English version, which would more fully describe the project;
3. That continual notification to neighbors is given when applications are tabled or otherwise delayed or suspended, no matter how long or short the continuance may be;

include

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

10 days out

5. That neighborhood associations (officially registered with the Town) be informed of these hearings;

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

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B. Rigorous Enforcement of Existing Zoning Regulations

The Committee recognizes that staff limitations may inhibit the Town's ability to more aggressively pursue zoning violators. Nonetheless, it is apparent that many business and residential properties operate outside of existing zoning regulations. In some instances, property neglect has created health problems or dangerous structural conditions, which threaten public safety. Such situations should be dealt with swiftly and aggressively. Other situations may be simply cosmetic but if left unattended contribute to neighborhood blight. A property should not be permitted to deteriorate to the point where the only economic solution is demolition. While this has happened, it should not be permitted to occur.

Beyond a verbal warning by the Zoning Enforcement Officer, it often appears that the Town rarely pursues more vigorous punitive action against persistent violators. It is recommended:

1. That should a violator fail to take remedial action within a reasonable period of time, an expedited enforcement process be established for seeking injunctive action through the courts. Such actions should be published in local papers and the status of enforcement actions be made available at Town Hall for public

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viewing;

2. That the Town seek to recapture any costs resulting from such enforcement and related regulatory actions directly from the violator by direct billing, a local tax assessment or, if necessary, by the imposition of liens on the offending property.
3. That the Town investigate ways to encourage or in some instances, require property owners to maintain their property up to an established code.
4. That the Town improve coordination of its enforcement effort with existing police and investigative agencies. For example, if an issue arises regarding a property owner's legal address, the Town's police department could easily check the correct address through the NYSDMV licensing systems and then notify the Zoning Enforcement Officer.

C. Judicious and Informed Issuance of Variances

The Committee believes the issuance of Variances, especially for non-residences, has become too commonplace, and is issued as a matter of routine rather than addressing only exceptional or extraordinary circumstances.

This problem is particularly evident concerning parking spaces for non-residences. Perhaps no where has this problem been more publicly visible than with a recent expansion request in the neighborhood, which sought a 100% variance from the existing parking standard on a lot that had almost non-existent zoning ordinance required green space. This request was subsequently defeated by a narrow margin of the Zoning Board. But, had it been approved, the resultant negative impact on the neighborhood in the form of street congestion, late night noise and litter would have had serious consequences.

The Committee also believes that the liberal issuance of variances undercuts the principle objective of the zoning ordinance itself, which is to minimize the negative impact of commercial activities on adjoining neighborhoods by confining such activities to the commercial property itself.

Adjacent neighborhoods should not bear the burden and suffer the consequences of intensive use brought on by inadequate parking, overly bright lighting, inappropriate customer behavior or any other offensive and intrusive activity conducted on commercial premises.

However, many in McKownville believe the prevailing regulatory mindset to be overly accommodative to requests for variances, which often lead to these types of negative community impact. Regarding the issuance of Special Use Permits and Variances, the Committee recommends:

1. That the Town's existing zoning standards be strictly upheld.
2. That variances for parking and green space be severely limited.
3. That the burden of proof for such requests be overwhelmingly placed on the applicant to demonstrate why the project cannot be designed to conform to existing zoning regulations.
4. That the applicant submit a neighborhood impact statement clearly demonstrating the impact on neighboring properties.
5. That the Zoning and Planning Boards be provided with the historical record of prior Special Use Permits/Variations approvals and conditions for any parcel before them for review.
6. That a standardized reporting system be developed so that the Planning and Zoning Boards are continually apprised of the progress of applicants in meeting all the conditions of their SUP/Variance stipulations.
7. That the Chairperson of the Planning Board co-sign decisions by the Building Inspector when an SUP/Variance is continued (as opposed to amended). Since the zoning ordinance provides (in Chapter 280-38) that appeals from the decisions of the Building Inspector can be made only to the Zoning Board of Appeals, it would seem prudent that the Planning Board chair be the person required to co-sign these SUP/Variance decisions by the building inspector. The Zoning Board chair should be kept informed of these actions.
8. That the meaning of "substantial" be defined more fully. The zoning ordinance provides that the SUP/Variance be continued rather than amended when there is no "substantial" change in use of the property. At present the determination places too much responsibility on the building permit officer to define the term.
9. That neighbors be notified when an SUP is transferred to a new owner or use.

A timely challenge to the decision on allowing a SUP, rather than amending it, cannot be made unless the county knows about the decision.

Continued

D. Notification of Building Permit Issuance

Because the issuance of a building permit often has important impact for the neighbors and surrounding neighborhood and businesses, a public notification of permits issued to properties along the McKownville Corridor of Western Avenue will keep both the public and other businesses apprised of renovation and construction in this area of the Town.

This Committee recommends:

1. That all building permits on properties along Western Avenue in the McKownville Corridor granted by the Town should be posted on the Town's web site.
2. That decisions made by the Zoning Enforcement Officer about whether a building permit carries with it the requirement of a hearing on a SUP, Variance or an amended SUP should also be posted.
3. That there needs to be a clear statement about the procedure to be used in challenging the Zoning Enforcement Officer's decision available to the public on the Town website.

E. Architectural Review

In order to support human-scale development as well as attractiveness of the neighborhood and blending of commercial and residential construction styles, the Committee recommends:

1. That architectural reviews be performed when requested by any member of the Planning Board, Zoning Board, and Town Board or by petition from Town residents on project applications coming before the Planning and Zoning Boards
2. That the Town retain a consultant to conduct such reviews, and that such costs be included as part of the application fee/permit paid by the applicant as per Zoning Ordinance Chapter 280-57A.

F. Zoning Language Changes

The Town should consider an amendment to the Zoning Ordinance to better define and control lot coverage in residential areas in order to preserve front yard green space. Additionally, as residences become occupied by multiple unrelated individuals, the competition for off street parking space leads to the paving over of front lots, creating a commercial appearance for what is generally single family housing on residential streets.

This problem is increasing in importance in McKownville. At present, the zoning definition for lot coverage includes only the area covered by buildings. In commercial districts only, the definition is further defined and includes paved areas. In residential districts, paved areas need to be limited or the residences could take on the appearance of a commercial zone. The front lot paved area needs to be limited to a width that accommodates access to the garage, but prohibits additional paved areas on the lot.

A related problem, which is growing in importance, is that churches, schools and other non-residential uses are allowed in residential zones. The Town is receiving applications that are proposing parking areas that cover the majority of the lot and are often paved adjacent to a neighbor's backyard. In the future, the Town will need to address this problem more fully.

V. LONG TERM RECOMMENDATIONS

In order to facilitate the vision for McKownville, the Committee recommends the following long-term recommendations:

A. Design Guidelines

That design guidelines be developed that will provide a blueprint for human scale development and for making commercial establishments blend with residential. The Rural Guilderland Plan/Country Hamlet designation could act as a basis for such guidelines. Design guidelines as well as architectural review will support the McKownville neighborhood vision

B. Gateway Design

That an ordinance be developed that would allow for mixed-use development, consistent

with the McKownville vision statement to encourage premiere design and appropriate development at the gateways of the neighborhood. McKownville contains two gateways, one at the Fuller Road Alternate entrance onto Western Avenue and another at the entrance to the University at Albany on Western Avenue. The McKownville Corridor Study contains a thorough review of gateway potential and a plan for implementation.

C. Traffic Calming Measures

That the Town continue to pursue traffic calming measures for Route 20, to both slow traffic and alleviate the pedestrian barrier that separates the McKownville neighborhood. The McKownville Corridor Study details methods for calming traffic on this section of highway including lowering the speed limit to 30 mph. In the near future, NYS DOT will begin planned improvements to Western Avenue in McKownville and this will be an ideal opportunity for green space to be incorporated into the roadway to act as a traffic-calming feature.

D. Citizen's Guide

That a citizen's guide be developed that would help residents understand the development process and how they can best participate in it. The Town (in conjunction with the Guilderland Chamber of Commerce) produced a brochure for the business community entitled a Roadmap for Business in Guilderland. The residential community would benefit from a similar document from the homeowner point of view with the goal of showing how a homeowner can participate effectively in the process of development and contribute actively to the process of review by the Zoning Board of Appeals.

E. Economic Development

That the Town identify key properties for redevelopment. Initially, such developments should be highly targeted to gateway projects affecting the general appearance and public perception of the Town, or where conditions of "slum or blight", as defined under existing U.S. Department of Housing and Urban Development guidelines, would have deleterious impact. As a public benefit corporation, the Town's IDA has unique development powers which are not available to "regular" town departments.

F. Update the Zoning Ordinance

The McKownville Corridor on Western Avenue and McKownville in general is already

subject to intense pressure of commercial development. The hamlet qualities of this neighborhood of Guilderland should be preserved as business continues in the area. New development can be encouraged using principles of smart growth and human scale construction if the Zoning Code is modernized. More progressive code would assure alignment with principles that allow mixed-use and encourage a sense of place, pedestrian access and greenscaping. The McKownville Corridor Study (2003) suggested the use of an overlay district and the Rural Guilderland Plan created a new zone called Country Hamlet. Both of these ideas lead in the right direction: to allow commercial and residential to co-exist without completely disregarding the rights and desires of resident homeowners.

The Committee recommends that the Town take steps to update the existing Zoning Ordinance with a commitment to the resident's vision of their neighborhood and with smart growth principles in mind.

G. McKownville Neighborhood Master Plan

The final long-term recommendation of this Committee is to begin the process of creating a Master Plan for McKownville as noted in the Guilderland Comprehensive Plan (2000). In this plan, primary recommendations of the consultant would be followed through. The Plan states on page ES-9:

“Reinvestment in the area is recommended to renew infrastructure and deal with drainage issues.”

“Buffer existing residential areas from commercial and other intensive non-residential uses but provide pedestrian linkages to the commercial areas and improve pedestrian environment along major roads.”

“Conduct neighborhood meetings in anticipation of a future neighborhood master plan.”

The McKownville Corridor Study is the solid foundation on which this work can be continued and implemented. Plans already exist for many of the concepts and priorities discussed in this report, and residents have shown their eagerness to see the Town act on implementing and seeking grant funding for the recommended improvements.

ATTACHMENT A. WHAT IS MCKOWNVILLE?

McKownville is about one mile square with 914 (mostly owner occupied single family) residences and 3,000 residents. It has four major highways (Western, McKown, Fuller and Schoolhouse) while many of its other 39 streets dead end into the two interstates(the Thruway and the Northway), the Krumkill stream and the State University campus. Along the four major highways there are numerous residences, 15 of which are on Schoolhouse, 17 on Fuller, 33 on McKown and 41 on Western. McKownville includes several University buildings.

There are at least nine historic and/or architecturally important buildings in McKownville: a McKown home across from the Pub at 1245 Western, the Knowles family farm house on the corner of Knowles Terrace at 1261 Western, the Frank Lloyd Wright looking home at 1423 Western, the older home on the Holt-Harris property off of Norwood Street, the Davids home at 1455 Western, the home that was once Dr. Mastrianni's office at 1461 Western, the Macomber residence at 1430 Western, and the Strassburg home and its accompanying carriage house at 1 McKown Road.

There are (or will be) about 20,000 jobs both within McKownville and nearby—in Stuyvesant Plaza, on the campus of the State University and CESTM, the Harriman office park (after it is redeveloped), in medical offices, at several New York State offices and in various office buildings behind Stuyvesant and along Western in McKownville and just east and west of McKownville along Western Avenue. Pyramid-Crossgates, another large employer, is nearby.

McKownville has 78 retail shops and restaurants (60 in Stuyvesant Plaza and 18 along Western in McKownville) and another 24 restaurants and retail shops within walking distance (in the University Plaza and near Homestead Avenue and Western in the City).

McKownville has the east branch of the Krumkill stream, which runs from the University pond then behind the Best Western, and the west branch from the reservoir/pond at Stuyvesant then southeast behind BurgerKing and at the end of Brookwood, Arcadia and Hillcrest/Wood/Gaskill streets.

McKownville includes some part of about 65 acres of open space at the end of Warren and Mercer on through to CESTM all of which borders the Northway, another 9 acres or so that is between the end of Waverly and the State University and another large parcel along McKown Road, near the McKown Road entrance to Woodscope. Abele Park is our developed outdoor recreation site and the pond at Stuyvesant is slated to be the next. But the Pinebush and Rensselaer Lake are important nearby outdoor recreation sites and paths/sidewalks could make them walkable while the State University campus is used by many residents for outdoor recreation.

The streetscapes—sidewalks and street side trees—as well as the homes make McKownville an unusually attractive neighborhood. McKownville has about a dozen “carriageways” in its older section.

McKownville is well served by CDTA, the Guilderland Library and School districts, the Guilderland water district and the Guilderland sanitary sewer district. For nearly a century, the McKownville Fire Department has protected our community.

CESTM, SUNYA, Harriman campus, the Thruway, the Northway, the City of Albany and the Town of Colonie are readily accessible to McKownville residents and are both assets and objects of concern.

Within the next four years, the McKownville Corridor Study will be implemented and the Western Avenue streetscape will be much improved with sidewalks, curbs, gutters and pedestrian crosswalk signals while Fuller Road, Schoolhouse Road and McKown Road will have significant improvements in that same time frame.

ATTACHMENT B. HUMAN SCALE DEVELOPMENT



SEA (C) 1: Seattle.gov

Department of Planning & Development

Shaping and protecting Seattle's built and natural environment

Disa

- Home
- Permits
- Planning
- Research
- Enforcement
- Publications
- Codes
- Not

DPD / Planning / Design Review Program / Applicant's Toolbox / Design Guidelines

Design Review Program

A forum for citizens, developers, and the city to design ne



Applicant's Toolbox: Design Guidelines

Quic

Design Review Guidelines for Multifamily and Commercial Buildings | Design Review Guidelines for Downtown Development | Neighborhood-Specific Design Guidelines

UPCOMING REVIEWS

4/27/2006
Southwest D Board

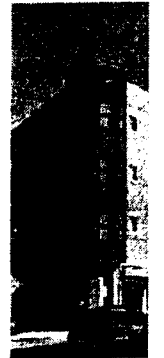
5/1/2006
Northeast D Board

Design Review Guidelines for Multifamily and Commercial Buildings

<< previous C-2 Architectural Concept and Consistency next -> C-4 Exterior Finish Material

See details for meetings.

DESIGN GU



Twenty-six d guidelines fo and commer along with n specific supp the backbone Design Revie Seattle's nei Separate gui downtown de

GALLERY OF EXAMPLES

Guideline C-3: Human Scale



photo by GGLO

The design of new buildings should incorporate architectural features elements and details to achieve a good human scale.

Explanation and Examples

The term "human scale" generally refers to the use of human-proportioned architectural features and site design elements clearly oriented to human activity.

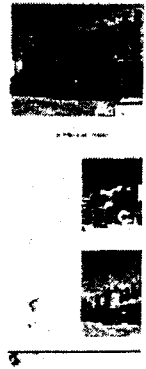
A building has a good human scale if its details, elements and materials allow people to feel comfortable using and approaching it. Features that give a building human scale also encourage human activity.

The following are some of the building elements that may be used to achieve

- Overview
- Who We Are
- What We Do
- Project Reviews
- Applicant's Toolbox
 - Instructions
 - Design Guidelines
 - Sample Project Packet
- Get Involved

better human scale:

- pedestrian-oriented open space such as a courtyard, garden, patio, or other unified landscaped areas
- bay windows extending out from the building face that reflect an interior space such as a room or alcove
- individual windows in upper stories that
 - are approximately the size and proportion of a traditional window
 - include a trim or molding that appears substantial from the sidewalk
 - are separated from adjacent windows by a vertical element
- windows grouped together to form larger areas of glazing can have a human scale if individual window units are separated by moldings or jambs
- windows with small multiple panes of glass
- window patterns, building articulation and other treatments that help to identify individual residential units in a multi-family building
- upper story setbacks
- a porch or covered entry
- pedestrian weather protection in the form of canopies, awnings, arcades or other elements wide enough to protect at least one person
- visible chimneys



Tribeca
See the Tribeca great example that were developed through the design process.

<<previous

C-2 Architectural Concept and Consistency

next >>

C-4 Exterior Finish Material

Last Updated: July 15, 2005

The Department of Planning and Development (DPD) is located in Seattle Municipal Tower (formerly Key Tower) at 700 Fifth Avenue in downtown Seattle ([details](#)).

Mailing Address: DPD, 700 5th Ave Suite 2000, P.O. Box 34019, Seattle, WA 98124-4019

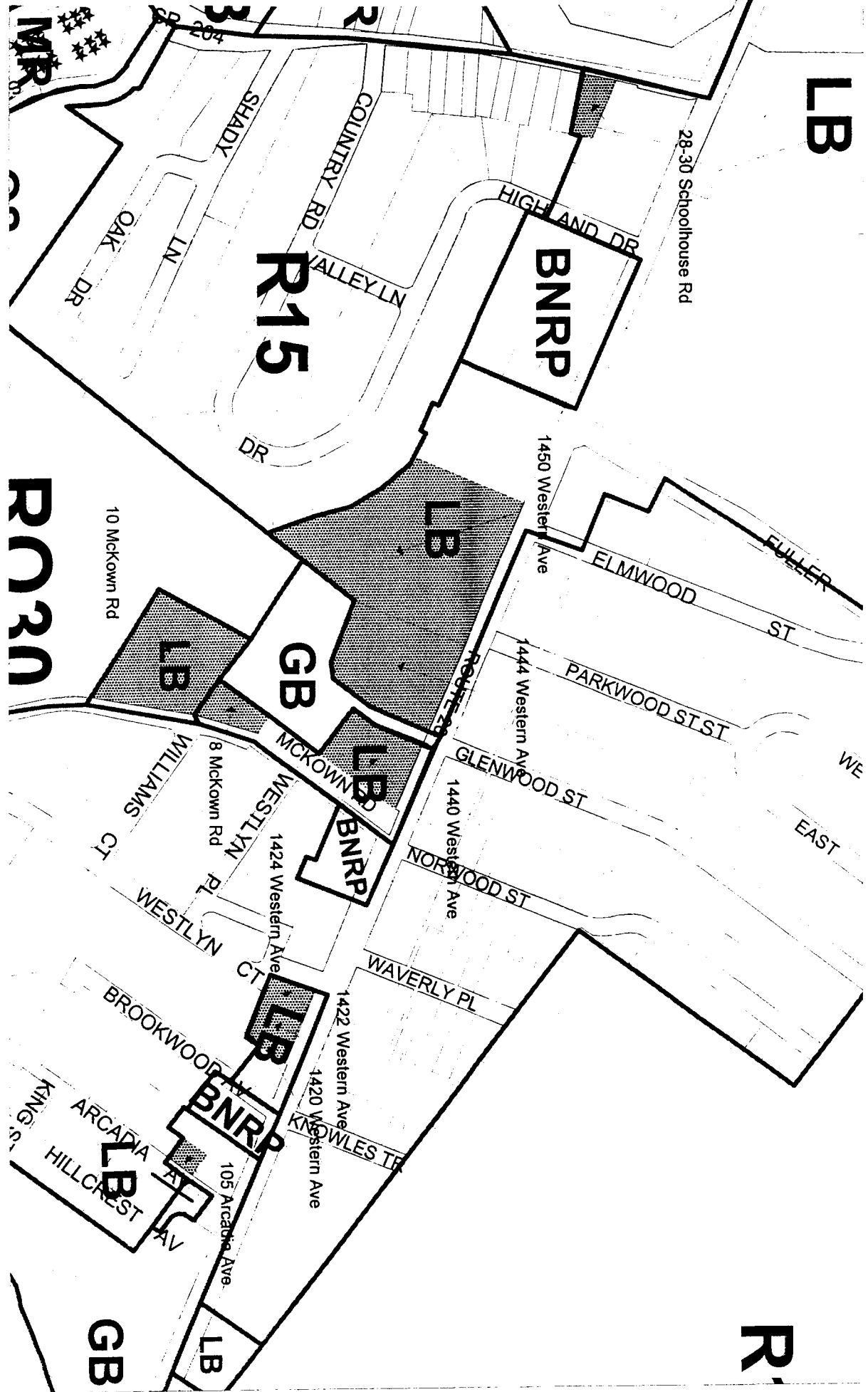
NOTE: New Mailing Addresses for Downtown City of Seattle Office:

[DPD Home](#) | [About DPD](#) | [Contact DPD](#) | [DPD Search](#)

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ATTACHMENT C. ZONING MAP FOR REZONING REQUESTS



ATTACHMENT D. ZONING LAW

Presently each district has a chart that shows the maximum lot coverage. This law proposes one common definition of lot coverage that includes all paved surfaces and also proposes that non-residential uses located in residential zones have buffer areas similar to commercial uses adjacent to residential zones.

TOWN OF GUILDERLAND

LOCAL LAW NO. OF THE YEAR 2006

A LOCAL LAW Amending the Zoning Law of the Town of Guilderland

BE IT ENACTED BY THE TOWN BOARD OF THE

TOWN OF GUILDERLAND AS FOLLOWS:

Amending the Zoning Law of the Town of Guilderland

Amend §280-5 Definitions

BUFFER STRIP - Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another.

LOT COVERAGE - That lot area or percentage of lot area covered by buildings, structures, pavement or other imperious surfaces, including walkways, accessory building and structures.

Amend §280-16 Townhouse Dwelling District

D. (1) Lot area/ density lot coverage. The overall density shall not exceed six units per acre, provided that no more than four such dwellings shall be contiguously constructed, ~~the main structures and all accessory buildings shall not occupy more than 30% of the gross acreage of the development.~~

Amend §280-19 BN-RP District

D. (2) Lot coverage. ~~Structures and parking areas shall not occupy more than 75% of the total lot area.~~ Lot coverage shall not exceed 75%. The remainder of the lot shall be open space or landscaped area.

Amend §280-20 Local Business District

C. (2) Lot coverage. ~~Structures and parking areas shall not occupy more than 70% of the total lot area.~~ Lot coverage shall not exceed 70%. The remainder of the lot shall be open space or landscaped area.

Amend §280-21 General Business District

C. (2) Lot coverage. ~~Structures and parking areas shall not occupy more than 75% of the total lot area.~~ Lot coverage shall not exceed 75%. The remainder of the lot shall be open space or landscaped area.

Amend §280-13 Agricultural district

add

D. (1) (g) Buffer strip for non-residential uses

A non-residential use shall maintain a buffer strip of 40 ft. along the side and rear property lines.

Amend §280-14 Residential Districts

D. (5) Buffer strip for non-residential uses

A non-residential use shall maintain a buffer strip of 40 ft. along the side and rear property lines.

Amend §280-14 Multiple Residence

C (9) Buffer strip for non-residential uses

A non-residential use shall maintain a buffer strip of 40 ft. along the side and rear property lines.

This local law shall become effective immediately.

The Town of Guilderland Approval Process for Business and Commercial Uses:

ATTACHMENT E.

ROADMAP FOR BUSINESS IN GUILDERLAND/GCC & TOG

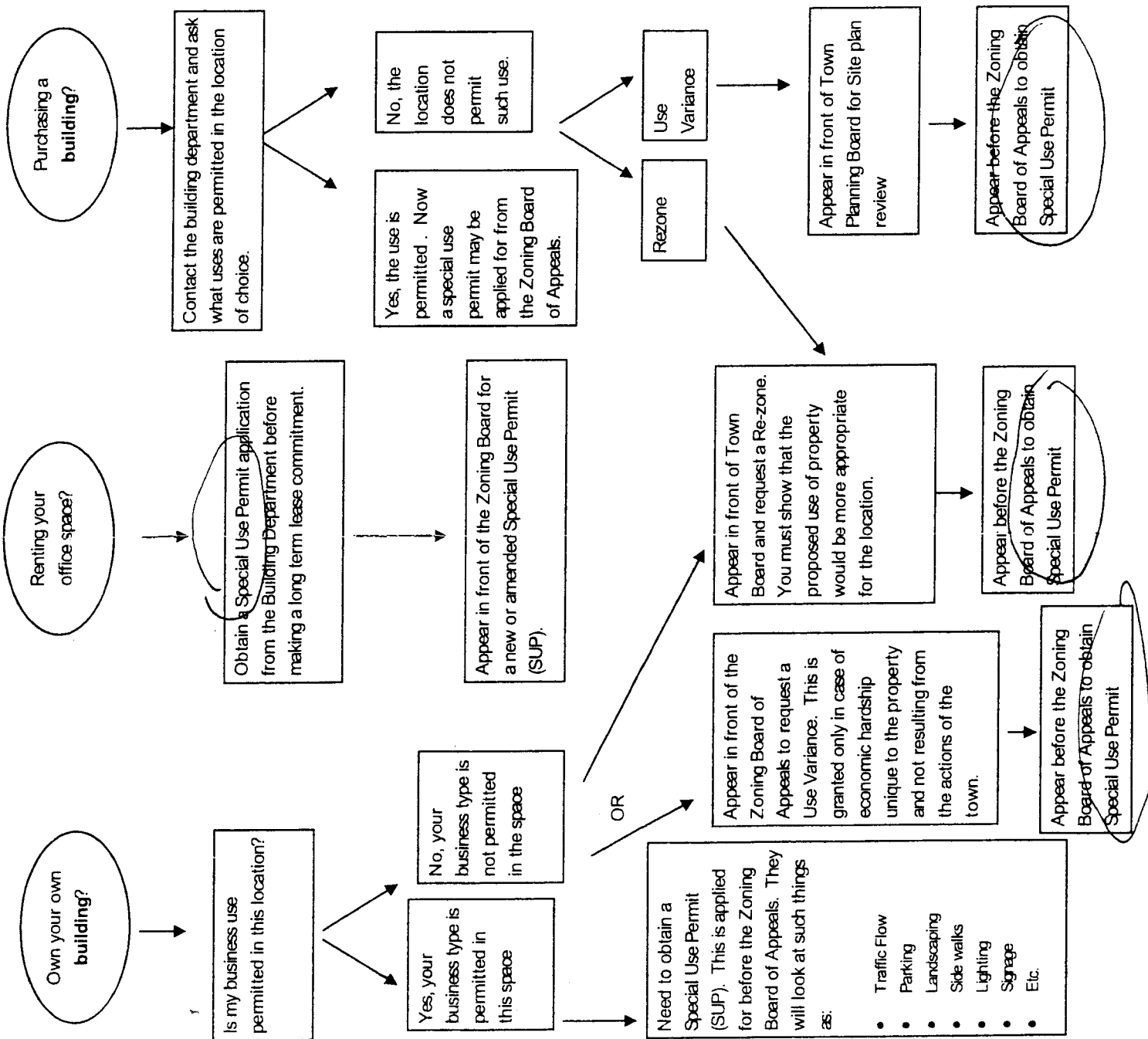
Roadmap for Business in Guilderland

Document Developer



The Town of GUILDERLAND

Guilders
Chamber of Commerce
"In Business for B"



Roadmap for Business in Guilderland

Introduction

The Town of Guilderland and the Guilderland Chamber of Commerce welcome new businesses to our town. We hope that this 'road map' can serve as a useful tool for you in making your business a part of our community.

If you wish to establish an office or store in Guilderland, you must be aware of the steps you will need to take to obtain the necessary permits before you purchase or lease property. In many instances, a business can be deemed a 'turn key operation, for which no approvals are necessary. Often, all that may be required is a building permit for repairs or renovations. However, in cases where the proposed site required variances from the Town Zoning Law and/or a change of zoning law and/or change of zoning classification, the process can be time consuming.

In order to obtain a full appreciation of your legal requirements before applying for approvals, we encourage you to become familiar with the Town's Zoning Law. A copy of the zoning Law is available at Town Hall and can be purchased for \$10.00. A copy of the current zoning law is also available at our chamber office. The text of the zoning law is also available in the 'Town Codes' section of the Guilderland Town Website, www.guilderland.org.

Step 1: Information Discussion with Town

Town officials always welcome informal discussions with applicants who wish to establish businesses in Guilderland. When you have located a site, your first step would be to visit the Town's Building Department to obtain the paperwork required for approvals. Be sure to provide full details on your proposed operations so that you can receive all the information you will need to proceed with whatever applications are needed for your project.

If your project requires more than a building permit, then a visit to the Town Supervisor's office may be in order. This would be the case if a Special Use Permit, a variance from the Town Zoning Law, or a change of zone are required.

The Town Supervisor may also recommend that an applicant appear before the Economic Development Advisory Council, which provides businesses with an informal, non-binding forum to discuss the project with a group of people that represent the Town, the Chamber and the business community. Council members are experienced with the approval process and can provide suggestions as to how to proceed in a mutually beneficial way. The formal means necessary to obtain Town approvals would be discussed.

Step 2: Change of Zone

In some instances, a project cannot be located at a particular site because its uses are not permitted within that zoning district. In this case, the property must first undergo a change of its zoning classification before the project can be considered. Such a change can only be approved by the Town Board.

The steps needed to obtain a change of zone are beyond the scope of this brief overview. Compliance with the standards adopted by the State of New York are required and a change can occur only after the matter is reviewed in depth by the Town Board following a public hearing. The next step would be to obtain a Special Use Permit through the Town's Zoning Board of Appeals.

Step 3: Special Use Permit

The Town Zoning Law outlines the review procedures necessary to obtain a Special use permit. An application for Special Use Permit, filing fee and all required documentation must be submitted to the Building Department. The matter will then be scheduled for public hearings before the Town's Zoning Board of Appeals (ZBA), the Town Planning Board, the Albany County Planning Board, and any other agencies within the state or county that might have jurisdiction in the case.

The Town Planning Board reviews the application for purposes of making a Site Plan Review for the Zoning Board of Appeals. This consists of a presentation before the Planning Board which makes general recommendations about the project as well as the potential areas of concern that should be explored in depth by the Zoning Board of Appeals. The Planning Board's review often takes one hour or less.

The Town Planning Board also works closely with the Guilderland Conservation Advisory Council (GCAC), which reviews matters from an environmental conservation perspective. An applicant may be requested to submit the matter to the GCAC, which is also a relatively brief

presentation. Once the ZBA receives the recommendations of the Town Planning Board, the Albany County Planning Board (and any other county or state agencies that have jurisdiction over the matter), the ZBA will be in a position to consider a Special Use Permit request.

Conclusion

It is the Chamber's goal, to support businesses in the process of establishing themselves within the legal requirements of the Town. The formal and informal steps just outlined ensure that the new business owner will benefit from those who have experience and dedication to appropriate commercial development within the Town. The Guilderland Chamber of Commerce takes pride in its role as a facilitator in this process and is available to assist you in your new endeavor.

Different circumstances relative to the nature of your proposed new business operation and the location you anticipate operating it from will affect the pattern of the Town approvals that will be required. Requests for zoning changes are dealt within by the Town Board. Subdivision approvals and reviews of site plans to ensure compliance within overall land use requirements are dealt with by the Planning Board. The Zoning Board of Appeals processes requests for variances from the Zoning Code based on either land use or area requirements, and also issues new and amended Special use permits that govern the special requirements (lighting, signage, landscaping, parking spaces, etc.) associated with a business operation.

The particular requirements that may apply to your individual situation should be reviewed with Town officials prior to the investment of significant funds on a business proposal. You should contact Town Hall to discuss your project in advance with local officials, who can advise you as to the steps needed to process all necessary approvals in a time and cost efficient manner.