

To: Town of Guilderland Zoning Board Members  
From: McKownville Improvement Association (contact Don Reeb, president, 489-3909)  
Subject: 1434 Western Avenue  
Date: May 1, 2007

The new owner of the property at 1434 Western Avenue, the former Tusang-Barhydt property that was recently purchased by Kent Hansen, has petitioned for a Zoning Board interpretation that the historic use is the same as the proposed three uses and therefore need not be subject to a "special use permit" hearing.

The proposed reconstruction of the front, proposed by Hansen, would be a benefit to the McKownville neighborhood. And to have the building occupied rather than vacant would be a benefit also.

While both of these would be expected from any new owner—the present building is so unattractive—nevertheless these are actions the neighborhood would appreciate.

However, Mr. Hansen's proposal is for three (3) tenants, though the building had been occupied by but one (1) user. Three of course is neither two nor is it one. It is three and that is two too many. Mr. Hansen may feel that his \$340,000 investment requires that there be three tenants, but his payout should not guide the Zoning Board. His willingness to pay more than a third of million dollars for an unattractive building with very limited parking and exceedingly difficult ingress and egress can not be of any significance in your decision. Three tenants is not the 'historic use' of this property—and this alone should be sufficient for the Board to deny his request.

In addition, the Board must be aware that that the site is zoned BNRP, "business non-retail professional" and none of the three proposed businesses are clearly BNRP.

Hansen will be operating a retail showroom at the site as will Sparklin' Johns, establishments where retail customers (and their contractors) can come and see displays of flooring and bathrooms which they can contract to have installed.

Some questions were raised at the recent hearing about whether these two were retail businesses. While the Town zoning document does not contain a comprehensive list of all possible establishments or businesses the SIC (standard industrial classification) booklet of the U.S. government does classify all employer establishments. It includes farming, forestry, construction, wholesale, retail, finance, manufacturing and so forth. It has one category --#59, Miscellaneous Retail-- which seems to include both the Hansen establishment and that of Sparklin' Johns.

The third business, Paige HVAC, did not make a presentation at the most recent Zoning Board meeting. While it was said that it would involve office activities and some storage of HVAC materials, it would mostly be for office use. But it is still a third business use and that is beyond the history of the property and once again it is not a BNRP permitted use.

While Tusang-Barhydt was partly a retail store and partly a contractors' supplies store—how much of one and how much of the other is not clear at this time—it was but one business. One business, not three.

The Board should be concerned in its decision-making that the proposed three uses are not BNRP. The former gasoline station on the corner of Brookwood and Western was changed into a real estate office and that clearly was a movement into BNRP. This is not. And that was changed over twenty years ago.

As you know the Town will be building a sidewalk along the south side of Western Avenue in McKownville. The cars parked in front of the Hansen property may well be covering part of the sidewalk—depending on the length of the vehicle—destroying the very purpose of the sidewalk, to provide safe passage for pedestrians. How is the Board going to address this need?

While an SUP hearing would be a much better venue for specifying the conditions for the reuse of this very troubled property, this is not meant to imply that the Association would welcome two or three or more non BNRP uses for this property at such a hearing.

The Association asks the Board to deny the request of Mr. Hansen.

Thank you.