

December 12, 1967

Re: Application for rezoning a parcel of property to the North of Stuyvesant Plaza from residential to local business for Philip Roberts

To: The Town Board of Guilderland

Before rezoning all or any portion of this parcel the following facts should be studied and considered:-

1. In granting a rezoning and permits in 1958 for the adjoining Stuyvesant Plaza parcel, the area in question at this hearing was specifically designated as a buffer zone to be left between residential property on Providence Street and the Plaza. This is in the records of the hearing.
2. The service road which has since been placed on the north side of the Plaza was to be left as an undeveloped right of way for access to land west of the Plaza.
3. A line of trees was to be left and/or planted to screen the plaza buildings from nearby residents. Strangely enough this row of trees has just been planted ten years after the plaza was opened. Perhaps this is a coincidence.
4. The adjacent Fuller Road and Providence Street property is all grade "A" residential and need not be rezoned commercial unless its residents so desire, all arguments by developers and real estate operators to the contrary. Let us face it their sole purpose is financial gain, not the good of the community.
5. The applicant was aware of the restrictions to the use of the property when he acquired it and is in NO way entitled to special consideration because of this.
6. It is another case of spot zoning.
7. The applicant can argue that he should be allowed the best possible use of the property. This is a variable which depends upon which foot the shoe is on. In my opinion its best use would be for one of those West pocket parks which Mr. Rose of the Planning Board described before a meeting of the McKownville Improvement Association and which were to have been considered for various locations throughout the town, preserving some green area for the residents.
8. Residents of the area are entitled to protection from creeping commercialism in spite of what other sections of the Town may think (in terms of what they may lose on the tax base). If they cannot be built in this location, the developers will find another location nearby.
9. In spite of benefits to the whole Town which accrue, residents of the districts in which they are built must face up to providing the services of water and fire protection which they require and this expense is borne by the taxpayers of this district alone. That this is expensive has already been proven from expenditures for water improvements and a new expensive firehouse and truck to cope with the needs of the buildings these developers have established.

10. In my opinion the application for the rezoning of this property should be denied in its present status and the applicant should be considered only on the basis of a revised application to impose the following restrictions.
- (a) A partial rezoning of the parcel which would leave unrezoned a buffer strip of 150 feet minimum on the north side behind the Providence Street residences which could contain no buildings, also to leave unrezoned the portion of the parcel east of the rear property line of the Hopkins property on Fuller Road, providing a buffer strip on Fuller Road not to be used as access to the property.
 - (b) Limit any building permitted on this property to one story height so as not to interfere with surrounding residences.
 - (c) Limit any access and egress to the service road already in place behind Stuyvesant Plaza.
11. In the report of the New York Fire Insurance Rating Organization a couple of years ago, fire flows in the distribution system of Stuyvesant Plaza were proved inadequate to meet standards. This was physically tested at the Marcus Fabrics fire in September of 1966 in which it was proven that the dead end 6" mains in the development cannot provide sufficient flows. A survey by Fraser Associates recommended an 8" line be installed in a loop through the property and connect at the property line to a short section of pipe to be provided by the McKownville Water District. Since that time other buildings have been added. In my opinion it is high time that these water lines be revamped. It is therefore, my opinion that it should be required of these developers that the distribution system be revamped with new 8" mains, servicing the office buildings by laterals from this line, as likewise the Plaza, with meters individually for the office buildings and one for the Plaza. The District could supply at its expense a connecting line from the filter plant. This would better the plaza fire protection as well as benefitting the District with an alternate path for water to most of it. I believe that the developers should do this at their own expense and then deed the system to the Water District as well as providing an easement for the Town to service them. I also believe that ~~no~~ such application for rezoning of additional property should be considered until an agreement is reached on this matter.
12. This is an opportunity for the applicant and his associates to prove their interest in the Community of McKownville with benefits accruing to themselves as well as to residents of the District.
13. Any such considerations as outlined hereinbefore should be in written form so that no dependence is placed on verbal promises which do not hold up very well in a court of law.

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