

REGULAR MEETING

SEPTEMBER 12, 1972-8:00 P. M.

deferred as the Board is awaiting letters of recommendation from the Planning Board on these applications.

Public Hearing - Dr. Jean Rissacher, 1451 Western Ave. R-10 to B-1

Supervisor Walters prefaced the public hearing by setting forth the facts that lead to the necessity for such hearing on this matter. He stated that the Town felt that the best solution would be to serve violation notices and have the violators request rezoning through the proper channels. The Town has made efforts to restrict the parking on the west side of Elmwood Street realizing that parking is a major problem but that enforcement is difficult and expensive. He further stated that in the future all rezoning applications will be screened for legality by Frank Williams, Town Attorney and only upon results of his study and recommendation will public hearings for change of zonings be scheduled. Supervisor Walters advised those present that there would be a 3 minute limit on speakers but everyone would be heard. The Hearing was then officially opened by the reading of the legal notice by Mildred Wise, Town Clerk. The legal notice appeared in the Altamont Enterprise on date of September 1, 1972. The Hearing/<sup>notice</sup>was also published in the Turnpike Record. Reading of the metes and bounds was dispensed by general agreement of those present. Speaking in favor of the rezoning was Dr. Jean Rissacher, owner of 1451 Western Avenue. Dr. Rissacher stated that he had practiced at this location for 19 years and that for 12 years he had been in residence at this address but due to a growing family of six children had moved to Parkwood Street but continued to practice at the Western Avenue address. He stated that he works solely alone and by appointment only and that patient parking is provided behind his office. He also noted that the

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property next door to him recently purchased by Dr. Harff has been improved so much that it looks better than it has in 19 years. Dr. Rissacher also pointed out that the large homes along Western Avenue are ideal locations for professional men but not desirably located for the rearing of children; he also pointed out that most people are happy to have doctors in the area and do not desire to drive half way to Altamont or down to Pearl Street for such services. John Purdy, President of the McKownville Improvement Association, then spoke in opposition to the proposed rezoning and presented a transmittal letter and accompanying petition and requested that these be included as part of the minutes of the meeting. Transmittal letter as follows:

Dear Mr. Walters:

As you know, many residents of McKownville are quite disturbed about the possible rezoning of 1245, 1257, 1451 and 1461 Western Avenue and 1 Parkwood Street. Enclosed are 17 pages of petitions with 220 signatures in protest of rezoning 1451 and 1461 Western Avenue and 1 Parkwood Street.

Mr. Kenneth Johnston of 2 Knowles Terrace is presenting to you separate petitions with 267 signatures in protest of rezoning 1257 Western Avenue. Through oversight 1245 Western Avenue was left off both petitions, but the petitioners also do not wish that property rezoned.

The signatures on the enclosed petitions were obtained within three days. Given additional time, we could have obtained a considerably larger number of signatures.

It is our request that: 1 the five properties mentioned above not be rezoned and 2. the doctors be made to conform with present zoning regulations

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(Rissacher Hearing, Cont'd)

for residential properties.

We would like to have this letter and the accompanying petitions entered as part of the minutes of the public Guilderland Town Board meeting to be held September 12, 1972.

Respectfully submitted,

John F. Purdy  
President McKownville Improvement Ass'n.

September 11, 1972  
1439 Western Avenue  
McKownville

Andrew Valenti, Parkwood Street then requested that the Petition be read aloud. John Havern, 1437 Western Avenue then spoke as a middle of the roader citing the business on the corner of Fuller Road and Western Avenue which should be residential and stating that the residents are the ones bearing the brunt of ten fold increase in traffic. He stated that he has property for sale on Western Avenue and questioned why his could not be rezoned when spot zoning has existed for years on the north side of Western Ave. Couraige Ghislain, 25 Parkwood felt that rezoning this property would be bad for the Town and it should be stopped here and now. Lloyd Linninger, 20 Glenwood St., inquired about the proposed new method of handling rezonings. Frank Williams, Town Attorney again explained the procedure stating that if the facts presented by an applicant ahead of time indicated that it would be illegal to grant the zoning such a Hearing would not be held at all. G. W. Hamme, Norwood Street, inquired if the outcome of the present Hearing could set a precedent for furture Hearings and Mr. Williams replied that each would be judged on its own. Mr. Hamme inquired if this would not disregard the Master Plan.

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Supervisor Walters explained that the Master Plan is just a plan, a guide to be used but that the planner himself explained it would be subject to change as time went by; the thought being to develop where utilities are presently located and then later to the open areas. Geraldine Haase, 1447 Western Ave., stated that she is concerned with what could happen if properties zoned commercial were to be sold; to other commercial ventures. Supervisor Walters said this had been given consideration and he had gone to the Office of Local Government who suggests that the Board look into a type of zoning that would allow professionals only to occupy it but not rezone the property. Arthur Wendth, 25 Norwood spoke in opposition stating that this could be just a "toe in the door." Melvyn Behn, 27 Parkwood St. objected citing the parking in front of the doctor's house, stating that many accidents have occurred at this location. He felt that the doctor's should conform to the zoning. Adele Carmack, 16 Elmwood stated that in most cities there is a no parking zone within 30 feet of the corner as fire trucks can not make such corners; there is no place to go. Mila Kalish, 7 Norwood St. spoke in behalf of Sandra Morlock, a neighbor who could not attend the meeting, stating that the patients have been hitting ~~the fence~~ <sup>Mrs. Morlock's</sup> behind the doctor's property as they go in and out the alley. Mrs. Kalish went on record as being opposed to the rezoning. All persons desiring to be heard were heard following which Councilman Amato moved that the Hearing be closed and decision be deferred until a recommendation is received from the Planning Board. The motion was seconded by Councilman Cropsey and carried unanimously.

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Public Hearing- Dr. Anthony Mastriani, 1461 Western Ave. from R-10 to B-1  
Legal notice as it appeared in the Altamont Enterprise on date of Sept. 1, 1972 was read by Mildred Wise, Town Clerk. Advertising also appeared in the Turnpike Record. Speaking in favor of the rezoning was Dr. Anthony Mastriani, applicant who stated that he had been a resident of McKownville for many years, that he had been encouraged by his neighbors to moved his office out of the city and into McKownville. Approval was reflected by an increase in his business which necessitated adding two pediatricians to his staff; namely Dr. Abduhl and Dr. Murphy. Dr. Mastriani stated that he had served the community very well and has a strong allegiance to it, that he had seen no deterioration of property due to his office. That people do not want to have residences along Western Avenue. He also brought out that he was not the only one contributing to traffic problems on Elmwood, that much of it comes from the medical complex on the corner. He stressed that people need doctors and this area offers the cream of the crop. In addition he is now attempting to create more off-street parking for his patients. Don Seeley, of the firm of Seeley and Carpenter then spoke in favor and showed plans for proposed off-street parking. He stated that staff parking has been arranged for elsewhere. Signs showing patients where to park and where not to park will be erected. Michael Hannan, 1237 Western spoke in favor of the rezoning saying that no one wants to see Western Ave. become another Schenectady Road. That we are not in favor of hot dog stands, snack bars and so forth but that these doctors practice good medicine and are needed in the community; he expressed the opinion that sooner or later most of the properties along Western Avenue will be businesses. Supervisor Walters

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then requested voices of those in opposition to the proposed rezoning. Mr. John Walsh, 11 Elmwood Street, questioned if addition of 12 parking spaces would solve the parking problem that now extends the length of Elmwood St. that the residents will still be stuck with the same situation. Rev. Joseph George, Parkwood Street stated that he is supposed to be sharing the doctor's driveway and had been told that there would be no week end hours but that the staff is there 7 days a week. He stated, however, that he would not want to detract from the Doctor's reputation. DeWitt Ellinwood, 22 Elmwood, stated that he highly respects the work of Dr. Mastriani but that the existing traffic situation is not satisfactory to the nearby residents. Supervisor Walters remarked that a possible solution that might work out would be to allow the doctors to stay if the parking problem was solved. Mr. Ellinwood replied that he thought this would be acceptable. John Benson, 1255 Western Avenue, inquired if such arrangement could set a precedent that could be used by another doctor. Supervisor Walters replied that it could set a precedent but that each case would be judged on its own merits. William Gannon, 5 Elmwood stated that he felt the Town should try to check the signs on Elmwood; that there are still people parking on Elmwood. The Supervisor said that the Town is checking on this. Mrs. William Gannon, 5 Elmwood, stated that the parking problem is very bad; that she has had to call the doctor's office to have cars moved from the Gannon driveway. Melvyn Behn, 27 Parkwood St. spoke about the damage to the ecology of the area by the removal of large trees and replacing them with unsightly blacktop. Adele Carmack requested explanation of the proposed additional parking and

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(Mastriani Hearing, Cont'd)

Mr. Seelee complied. Dr. Harff stated that it was advantageous for the patients to park on black top and not in mud. Red Foughy, 9 Norwood, asked for an explanation of the terms R-10 and B-1. Harold Crouse, Zoning Coordinator explained that B-1 is the most restrictive of business classifications, it encompasses small businesses or small offices. G. W. Hamme, 30 Norwood St. also spoke in opposition. Geraldine Haase, 1447 Western Ave., pointed out that even if the doctors were in residence in these properties the parking problem would still exist. John Essler then read the B-1 classification and stated that it is a dilemma. We have the best pediatrician in our Town but with increase of practice the people have had to suffer through parking problems, trees taken down and areas blacktopped. He stated that the proposed parking spaces would be perpendicular to Elmwood and thus present a problem in backing out. Melvyn Behn then read a letter from Fred Abele, 27 Warren Street who was unable to be present at the meeting but requested that the letter be entered in the record, as follows:

Gentlemen:

I wish to express my opposition to any rezoning from residential to business of any of the properties on the north side of Western Avenue from Fuller Road to the Albany City line on the East.

The homes which now occupy this stretch are of good, attractive residential character and should be retained. Many of these properties, if not most, are deed restricted to give them this very protection.

Furthermore the residents of this area have indicated strongly that they

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(Public Hearing, Dr. Mastriani, Cont'd)

do not want the character of the neighborhood changed and they should have some say in choosing their neighbors.

I have no sympathy for those who purchase property on the premise that it will be rezoned. They know its restrictions when they purchase. The neighboring property owners should have the same protection, as they purchased on the premise the neighborhood remain residential.

As to those homes now already occupied by Doctors, I see no reason why a special variance could not be granted them to continue their present use if no further changes are made to the buildings, thus preventing hardship on these owners whose violations of the zoning were overlooked.

I wish to commend the Boards good judgement in denying the Schoolhouse rezoning. Possible something good in preservation can come from that action. However, if the school is the second oldest building in McKownville at present, the brick house at 1245 Western, one of those under consideration, is the oldest. Its property was acquired by the McKowns in 1835 and the house, believed to have belonged to James F. McKown, first postmaster of McKownville, was built soon after. 1261 was build in 1884 by William Knowles, a turnpike tollgate keeper. 1257 is of the same vintage roughly as 1261. While we cannot save all old buildings, it is my opinion that an attempt to save 1245 should be made, if someone interested can be found.

If the present zoning ordinance does not provide any protection for old and/or historic buildings, then it is about time that it be amended to do so as well as establishing a register of sites for our own Town. Some research has already been done on this. If we don't we will have nothing safe from the developers.

There are already a sufficient supply of motel in McKownville. Likewise, more office buildings are not needed. The Town has allowed building to tax the capacity of services already to the maximum ability of the services to cope with it.

The residents, motels and businesses establishments are up in arms about the quality of water they receive. The Tom Sawyer has had customers walk out vowing never to come back because of the dirty water. While this condition has been considerably agitated by the construction at the supply source, more of it is possibly due to the constant running of the supply at full or more than capacity to supply the customer demands. While we are promised additional water shortly, at a greatly increased cost probably, at the rate the developers are being allowed to build we will be taxing even this increased supply.

Fire protection wise, McKownville residents still are struggling to pay off the fire house property and maintain a status quo, the victims of previous political and profiteering manipulations.

Since I am unable to be present at the hearing to be conducted on Tuesday, September 12th, I wish to have my sentiments entered in the record.

Very truly yours,

Fred B. Abele



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John Havern again inquired how this use could be denied when the Town<sup>e</sup> previously approved the medical complex. Supervisor Walters pointed out that the Town Board is trying to find a solution that would be palatable to the people. Councilman Amato spoke saying that, in his opinion, very often through emotionalism a self-interest grows. He felt that denial to the doctors would force them to move. He reported that over the weekend he had been the recipient of 20 phone calls and with but two exceptions the people did not want it to go that far. He was of the opinion that forcing such a decision on the doctors would be immoral. Supervisor Walters then inquired of those present how many would be in favor of letting the doctors remain if suitable parking could be worked out. A show of hands indicated such a suggestion would be acceptable. Melvyn Behn inquired how the Board proposes to do this and Supervisor Walters stated that the Zoning Board of Appeals would make the conditions.

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All persons desiring to be heard were heard following which Councilman Cropsey moved that the Hearing be closed and that decision be deferred pending a recommendation from the Planning Board. The motion was seconded by Councilwoman Porter and was unanimously approved. John Essler inquired if the Planning Board has this on their next agenda and was informed that the Planning Board meetings are open to the public and are held on the first and third Mondays; that the Zoning Board of Appeals meets on the second and fourth Fridays.

Petitions of both of the foregoing Public Hearings are on file in the Office of the Town Clerk .

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