

October 10, 1972

Hon. Carl J. Walters, Supervisor
Town of Guilderland
Western Avenue at McCormacks Corners
Guilderland, New York 12084

Dear Carl:

You have asked for the recommendation of the Planning Board with respect to the possibilities of amending our present Zoning Law, in view of a possible solution to the problem of non-resident physicians practicing in an area that is zoned residential, which problem now specifically presents itself in McKownville.

In a separate letter we have simply recommended against any rezoning in McKownville from Residential (R-10) to Commercial (B-1) since we felt that this would violate the spirit of our Master Plan and do unnecessary damage to a completely residential area. In short, we think land rezoning is not the answer. We have considered the suggestion that physicians be permitted to practice in a R-10 zone, upon the issuance of a Special Use Permit by the Zoning Board of Appeals. Any amendment to our present Zoning Ordinance could be drafted, we realize, to set up certain standards for the Zoning Board on traffic, adequate parking, etc.

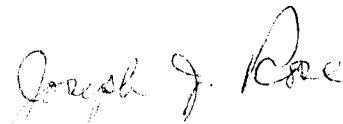
After thorough discussion, our Board is opposed to this suggestion for a number of reasons: In the first place, if adequate parking is required, none of the three physicians involved in McKownville could reasonably comply. Adequate parking could only be provided (if at all) by cutting down trees, paving over sidewalks and to the property line. Thus the homes involved would never revert, as a practical matter, to residential use. We have concluded that the only solution - although admittedly not a completely satisfactory one - is to stand by the present Zoning Ordinance.

In any R-10 zone the lots are small and density is high. Parking and traffic related problems are therefore easily created and not easily solved. If a physician actually and legitimately lives in the house and uses only 25% of it for professional purposes, these problems are at least minimized. Today, however, many physicians have a "group practice", with a number of them sharing offices. Immediately then, the contemplated zoning change to permit non-resident physicians in R-10 zones by Special Use Permit would have to face the question of "group practice" - a number of doctors utilizing a single-family dwelling for offices. There seems to be no solution of parking and traffic problems in certain areas, even by the issuance of Special Use Permits.

Our members conclude that where a professional practice has grown to the extent that the professional person no longer actually resides in the dwelling, then it must be recognized that the professional practice must be moved to more adequate quarters.

We, of course, recognize that every community wishes to attract and keep physicians as well as other professional persons. In our judgment, however - and its a difficult conclusion to reach - the present Zoning ordinance is logically drawn and should be followed without amendment.

Sincerely,



Joseph J. Rose, Chairman
Town of Guilderland
Planning Board