

# The McKownville Improvement Association

---

MCKDOWNVILLE  
ALBANY 3, NEW YORK

November 10, 1972

Zoning Board of Appeals  
Town of Guilderland  
Town Hall  
Guilderland, New York

Gentlemen:

The McKownville Improvement Association wishes to go on record as opposing the request of the Kentucky Fried Chicken Corporation for a special use permit at 1244 Western Avenue.

It has been brought to our attention that granting such a use permit, based on the plans presented by the Kentucky Fried Chicken Corporation to the Board, would constitute an infraction of the rules of Law #1 of the Town of Guilderland.

Law #1 clearly states that 20,000 square feet of land usage is required for a Restaurant operation. The Kentucky Fried Chicken Corporation is leasing only 15,000 square feet from Mr. Fiato as we understand the plans.

On Page 33, Section I, of the Zoning Law, it states that if an undersized lot was zoned Commercial before the Law #1 was passed that no variance would be required, providing the adjoining lot was not owned by the same owner.

The Board will recall that at a previous meeting, Mr. Roberts questioned Mr. Fiato on the following point:

He explained that about a year ago the Board had approved a request for a similar type restaurant which involved the use of both lots owned by Mr. Fiato which gave sufficient parking space for this type of business. Mr. Roberts then questioned Mr. Fiato as to why this request was for one lot only and asked him what he intended to do with the additional land. His answer was that Kentucky Fried Chicken Corporation could not afford to lease that much land for the operation. He did not answer what he intended to do with the other lot.

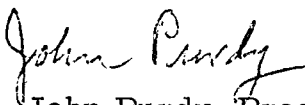
As residents of McKownville, we have often been told by Town officials that the higher tax revenue which can be obtained from commercial property helps to keep down taxes on residential property. In this case, the tax revenue for Guilderland would be a good deal higher if the Board insists that the Kentucky Fried Chicken Corporation operation be on the required 20,000 square feet basis.

We also request that since this request for a special use permit was initiated by the Kentucky Fried Chicken Corporation while Mr. Fiato was the owner of the two lots, that should said owner take action to transfer or sell one lot to put the smaller lot in conformance with Law #1, in that case any consideration of a new application by the Kentucky Fried Chicken Corporation be denied for at least one year.

We feel that the residents surrounding an operation of this type are forced to live with objectionable and negative factors such as offensive odors, hazardous traffic problems, and the chance of empty carry-out cardboard boxes discarded by some careless customers in their yards.

We feel that the Town Zoning Board should consult with the Town Planning Commission on the use of these properties on Western Avenue. The recent decisions by the Town with respect to doctors in McKownville has shown that there is need of professional buildings in our area. Since there is not a lot of space available that is zoned commercial, we feel that before any new business uses of property are approved, the Planning Commission should consider the over-all development of this area--for businesses which are not offensive to family residences and which do not disturb the stability of the neighborhood, or which present additional safety hazards.

Sincerely,



John Purdy, President  
McKownville Improvement Association

JP:at