

# Rezoning supported

By MARTIN MOYNIHAN

McKOWNVILLE — Directors of a local citizens' group are "in unanimous agreement" with a proposed zoning change that would permit a pediatrician to relocate his medical practice from Western Avenue to Schoolhouse Road.

The McKownville Improvement Association has been fighting for more than three years to force the medical practice either to move out or conform with requirements for residential zoning.

But it is supporting a plan to rezone a Schoolhouse Road site adjacent to the Thruway to permit Dr. Anthony Mastrianni to move his practice there, according to John Esler, president of the organization.

The approval of the plan by the directors of the association, which has staunchly opposed any compromise attempts to ease zoning restrictions at the Western Avenue location, could be a weighty factor in a rezoning hearing scheduled before the Guilderland Town Board Nov. 11.

Dr. Mastrianni's medical practice at 1461 Western Ave. has been charged with being in violation of the town's zoning ordinances applying to home occupations in the residential area.

Specifically, the pediatrician was charged with not using the medical building as his residence, one of the law's requirements. The case has moved to state Supreme Court, but no action has been taken yet.

Philip E. Roberts, a realtor, told the town board in a letter last week that Dr. Mastrianni had made a contract to pur-

chase a 2.5-acre parcel on Schoolhouse Road, and that he would buy the property for construction of a professional office building providing he received town approval of a zoning change and a subsequent special use permit.

The triangle-shaped property is on the west side of Schoolhouse Road adjacent to the Thruway, with the long side of the triangle facing the superhighway, Roberts said.

Roberts said the proximity to the Thruway noise and the fact there is commercial property directly across the Thruway has made it difficult to develop the land for residential purposes.

"I think it's a good use for the property," Esler said. He commented the improvement association had never opposed a health clinic in a residential area provided it had the "amenities" to let it fit into the neighborhood.

Parking by persons using the clinic on Western Avenue and nearby side streets had been a key issue for the association.

The physician was charged with violations of the zoning ordinance last year after two years of dispute. Town officials took the matter to court following a referendum in McKownville in which voters said they did not want the zoning law to be amended to permit the medical practice to continue as it was in the neighborhood.

Town officials had described the court case as one that could not be successful no matter which way the court ruled. If the town won its case in court, the community would lose the services of the medical practice.