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# **TOWN BOARD MEETING**

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**7:30 p.m. Tues., May 7th**

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**Guilderland Town Hall**

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**Subject: REZONING**

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## **McKOWNVILLE IMPROVEMENT ASSOCIATION: A CALL FOR SUPPORT**

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For twenty years, from the time of the building of the university, the McKownville Improvement Association has led the fight to maintain and improve the McKownville neighborhood. We have been able to forge the agreement with the Town that commercial development along Western Avenue will be restricted entirely to the southern side of the avenue and then only as far back as the property line, and also no commercial development will be permitted on any of the side streets. While the agreement continues to exist, the zoning map has not yet been brought into conformance with this working agreement—for example, several parcels on the eastern side of Hillcrest are zoned business. The recent Emanuel zoning study recommends that the zoning map be re-drawn to reflect this agreement. The Town Hall meeting is on **May 7th**. This is a **BIG** meeting because the 21st Point Club wants to violate the agreement and put a commercial building on McKown Road. A showing of support at the May 7th meeting is important—**IF YOU CAN'T COME—WRITE** to Kevin Moss, Guilderland Town Hall, Guilderland, N.Y. 12084 or—**IF YOU CAN'T WRITE—CALL** Kevin Moss at 356-1980.

## Board Hears Opposition to Office Building

**GUILDERLAND** — Several residents voiced opposition this week to a two-story, 16,000-square-foot office building proposed for 12 McKown Road, next to the 21st Point Racquetball and Nautilus Club.

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The Zoning Board of Appeals held a hearing on the application of McKown Grove Inc. and 21st Point Co. for a special use permit for the project. Principals in the two companies are Vincent and Gregory Wolanin.

Their other companies include Market Square Ltd., currently involved in litigation with the Zoning Board of Appeals over a shopping center, and Brandywine apartments and senior citizens complex.

At the request of the developer, engineer Thomas F. Perry of Greenman-Pedersen Inc. of Albany presented a traffic report which refuted claims by neighbors that McKown Road couldn't handle the increased traffic.

The report said traffic counts and projections indicate the McKown Road/Western Avenue intersection could easily handle increased traffic from the office building (plus 28 housing units the developers may add later), with only a signal timing adjustment.

Board members raised questions about a tributary of the Krumkill which runs through the property, and the number of parking spaces.

Attorney Louis Dempf Jr., representing the developers, said the proposed 106 parking spaces are almost double the 64 spaces required, so a variance was not requested.

The legal notice of the hearing indicated a variance was needed, since Building Department calculations set the minimum number of parking spaces at 208.

Dempf said parking should be figured at one space for 400 square feet of building space (required for Conference-Office-Research District uses) plus one space for every two employees. He estimated employees would number 48.

The building department had figured the one space per 100 square feet required in the zoning law for "Office, Business and Commercial Uses."

## Boards Block 2 Store Projects In Guilderland

By PAT CANTIELLO  
Gazette Reporter

**GUILDERLAND** — Both the Town Board and the Zoning Board of Appeals voted this week to block separate shopping centers.

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The Zoning Board of Appeals unanimously agreed in a closed session late Wednesday to challenge Market Square, a 71,000-square-foot shopping center planned for the intersection of Western Avenue and Johnston Road.

The Town Board has scheduled a public hearing for 8 p.m. Tuesday, May 7, on the rezoning from business to residential of the southeast corner of Western Avenue and Winding Brook Drive, where B & L Enterprises has proposed a 104,200-square-foot shopping center. Principals in the company, Joseph Lucarelli Jr. and Salvatore R. Beltrone, could not be reached for comment.

Supervisor Kevin A. Moss said the Town Board also will consider several other parcels along Western Avenue for rezoning May 7. Most of the rezoning would be to more restrictive uses, as recommended in Manuel S. Emanuel Associates' planning study of Western Avenue.

The Town Board decided on the proposed rezonings at a discussion session Tuesday, Moss said.

The Winding Brook Drive rezoning is the only one west of the Thruway to be considered May 7. Moss said it is included in the first rezonings to eliminate the possibility of the large-scale shopping center there. He said he has indicated to the developer's lawyers that the town in the future would accept a "planned unit development" zoning at the site, which would allow a mixture of residential and retail uses. Emanuel had suggested a PUD at the site.

A Zoning Board of Appeals hearing on B & L Enterprises' application for a special use permit for the shopping center scheduled for this week was adjourned until May 1 at the request of one of its attorneys, Michael P. Shanley. Zoning Board of Appeals Chairman Timothy P. Sheehan said he did not know why the adjournment was requested.

The Zoning Board of Appeals had denied a special use permit for the Market Square project last December, but Supreme Court Justice George L. Cobb overturned the ruling this month.

"We believe our decision rejecting the Market Square project was a fair and reasonable one, and we believe our action will ultimately be upheld by the court," Sheehan said.

His brother, board counsel William F. Sheehan, has said an appeal wouldn't be heard before fall. The town has 30 days from receipt of the court order to file notice of the appeal and another 60 days to file papers. Appeals are not heard in July and August.

Vincent Wolanin, a principal with his brother, Gregory, in Market Square Ltd., said last night: "We're going to be damaged very greatly for the delay to the tune of over a million dollars, and our attorneys are probably going to seek damages from the town of Guilderland."

He said the delay would cause lost revenues to their construction company, mean lost revenues from the delay in renting space and mean carrying costs.

Moss said the May 7 hearing on rezoning near Western Avenue will include proposals to:

—Zone the portion of the Albany State University campus that is in the town to R-15 (residential requiring lots of at least 15,000 square feet). Emanuel had urged that the property, currently unzoned, be put in a zoning classification. As an educational institution, it is not subject to town zoning laws.

—Rezone several parcels on the eastern side of Hillcrest Avenue from B-2, the most intense business use, to R-10 (residential with single-family lots of at least 10,000 square feet, or apartments).

—Rezone property along Western Avenue, from Westlyn Court east to and including the McKownville Fire Department, from B-1 (local business) and B-2 (general business) to R-NB (a more restricted category of residential and neighborhood business).

—Rezone two lots on the southeast corner of McKown Road (a non-conforming gas station and Tusang-Barhydt Inc., an electrical supply company) from B1 to R-NB.

—Rezone the adjacent Norstar Bank, Tom Sawyer Motor Inn and Passonno Paints store on Western Avenue and the Wolanins' 21st Point Club on McKown Road from B2 to B1. Zoning lines for the 21st Point Club would be made to conform with property lines.

—Rezone three lots across from Stuyvesant Plaza, including Christ Lutheran Church and a dental office, from B2 to R-NB.

—Make the southwest corner of Highland Drive, currently B1 and R-15, totally B1.

—Rezone the west side of Schoolhouse Road south to, but not including, the Mastrianni office building, from R15 to R10.

Exact boundaries for the proposed rezonings will be given in legal notices prior to the hearing.

Moss said the next portion of Western Avenue the board will look at for possible rezonings is the section between the Thruway and Venezia Avenue.