

McKownville Unit Eyes Suit Over Land Sales

By ELLE PANKIN

GUILDERLAND — In two separate actions, the McKownville Improvement Association Monday night decided to circulate petitions in opposition to a proposed Guilderland zoning law amendment allowing medical practitioners in residential areas; and it also deliberated court action against the town concerning alleged illegal sale of water district lands.

About 35 members of the association met at Christ Lutheran Church to voice opposition to proposed zoning

which would amend local law to allow physicians, dentists and surgeons to practice in residential and agricultural zoned areas without living on their office premises.

THOSE WHO OPPOSE the amendment called the law "very vague" and a "stop gap measure" which left many questions unanswered.

Among purported vaguenesses in the law, association residents alleged the law makes no parking or green space provisions, nor is it specific on how many doctors constitute "an office."

The amendment would

limit to one or two-family dwellings; says no building may have more than one office; allows not more than one branch or specialty in one building; and requires that no building exterior be altered or destroyed or impair the residential character of the building.

SOME RESIDENTS at the meeting threatened to move out if the zoning is passed, maintaining, as they have for almost a year, that proliferation of practices in the McKownville area has created traffic hazards on McKownville Side streets.

Petitions will be solicited

Melvyn Behn, association president said, and presented to town board members at the July 10 meeting when the hearing on the amendment will be held.

IN A SECOND piece of association business, the members heard advise of Arthur F. McGinn Jr., counsel, that the town could be charged by several private citizens with "failure of comply with statutory requirements" in town law; and added in his opinion, they did have a case.

Residents of the water district are claiming that the town board has proposed for sale to Stuyvesant Plaza slightly over a half-acre of land without a hearing.

Capital Improvements

McGinn said he based his opinion on the fact that the first piece of land was sold with a hearing in 1958 on advise of the state Audit and Control Department, and this precedent should hold for all further sales.

THE TOWN HAS claimed that the land to be sold to Stuyvesant Plaza for \$2,500 belongs to the town, not the water district, and therefore, does not have to be subjected to a hearing.

Other land sales were also discussed for the alleged validity of town legal procedures.

An easement granted in 1968 to Niagara Mohawk Power Corp. of 1.5 acres for \$1. could be contested, McGinn explained, if the association can prove that the land is worth much more.

Association members said offers for the land ran around \$12,000. McGinn said that under general municipal law it could be possible to void the easement by proving the town accepted inadequate charges (\$1.) and fraud because the amount of money paid was grossly insufficient."

THE ASSOCIATION alleges, too, that sale of four-tenths of an acre to Niagara Mohawk in 1969, was illegal because a deed was recorded seven days after the board passed the resolution while at least 30 days is required by town law.

Under discussion at deadline were methods of raising legal fees. McGinn explained that even if the association won, their case, the town still has legal rights to sell the land.

He added the "win" could, however, establish the association's "bargaining power."

Members said they were concerned that town action follow what they believed to be proper legal channels.