

REGULAR MEETING

JULY 10, 1973 8:00 P.M.

protect areas adjacent to streams. Melvyn Behn said that he concurs with Mr. Esler. Bonnie McNally, 2 Victoria Drive, also stated her opposition. Hope Donovan stated that she is opposed to any piping of any stream. John Esler suggested that contour maps would be valuable at Public Hearings. All persons desiring to be heard were heard. Councilwoman Porter moved that the Hearing be closed. The motion was seconded by Councilman McNiven and carried unanimously. Councilwoman Porter moved that this rezoning request be referred to the Planning Board. The motion was seconded by Councilman Cropsey and carried unanimously.

Motion
171

* * * * *

PUBLIC HEARING - Local Law #4 of 1973 - Allowing Physicians, Dentists and Surgeons to do business in all zone categories

Legal notice as it appeared in the Knickerbocker News on date of July 5, 1973 was read by Mildred Wise, Town Clerk. Supervisor Walters gave a brief history of the situation leading up to consideration of this proposed law. He said that the Town became aware that professional people were inquiring of realtors about the purchase of homes along Western Ave. Knowing that there were some professional people who were not in conformance with the Zoning Law, we knew that we had to have conformance or do something to discourage the proliferation of professional offices. So violation notices were sent. The Town was thereby prohibiting use of a professional person's home for his office, and might cause him to move out of the area. The Town Board had a Public Hearing and at that time asked those present for a show of hands as to whether or not they would agree to allowing the present professional people to remain if adequate parking could be arranged off-street. Mr. Walters said, as he recalled, there was an overwhelming majority who agreed. Despite several meetings and considerable

REGULAR MEETING

JULY 10, 1973 8:00 P.M.

counsel from the Office of Local Government, nobody could come up with any solution that would be agreeable to the majority of people. There has been considerable communication from McKownville residents and doctors. A final meeting was held two or two and a half months ago to which the Town Board invited a doctor and a resident of the area to ascertain what their thinking might be. Supervisor Walters noted that it's a hard thing to do to please 100% of the people. Following the meeting, the Board decided that the only thing that could be done at that point to allow the offices of professional people would be to amend the 1971 Zoning Law which put them in violation. Mr. Walters said that he has received many letters, with an overwhelming number of people in sympathy with the professional people. He said that there are many communities not as fortunate as this one where people are doing everything within their means to attract this type of professional person. Mr. Walters suggested that the parking problem is not going to get better and is probably going to get worse.

Supervisor Walters asked that those wishing to speak respect a 3 minute limit. Michael Hannan, 2 Christian Ct., spoke in favor of the amendment, noting that he has watched the deterioration of Western Ave. and would rather have doctors than gas stations. Warren Roberts, Norwood St., also spoke in favor, saying that he reinforced the sentiments of Mr. Hannan and that the problem for his family would be staggering if Dr. Mastrianni were not in the area. John Hukey, 118 Lincoln Ave., spoke in favor, pointing out that the Master Plan calls for 6 - 7 parking spaces per doctor, and this should be enforced. Supervisor Walters asked that those present refrain from using names of particular doctors. Ralph Porco, Jefferson Ct., spoke in favor of the amendment noting that many people have expressed concern about Western Ave., and that it is good business

REGULAR MEETING

JULY 10, 1973 8:00 P.M.

sense to encourage ownership by professional people because they take care of their property. Mrs. William Gannon, Elmwood St., mentioned that the parking problem is troubling. Jim Shaughnessy, Parkwood St.; Merrill David, 1455 Western Ave.; Mrs. Satalino, Johnston Rd.; Florence Scott, Johnston Rd.; Pat Leonard, 425 Lincoln Drive, all spoke in favor of the amendment. Mr. Havern, 1437 Western Ave., spoke in favor as a property owner. Ed Broderick, Parkwood St. E., spoke in favor, as did Linda Lake, Camp Terrace. Supervisor Walters asked that those present speak to the proposed law, not just the situation in McKownville. Under the present law, 25% of a home may be used. The new law would allow a doctor to use more than 25% of a home, or to have a practice in a home, but not reside there, in all zoning categories. Professional people would have to come before the Zoning Board and get a Special Use Permit. Margaret McKinley, Knowles Terrace, asked for clarification of the term 'office' as used in the sentence "No such building shall house more than one such office." Frank Williams, Town Attorney, suggested that this would imply a doctor, an assistant or assistants, nurses, other types of medical technicians. Bonnie McNally, Victoria Drive, wondered what the difference might be between assistant and associate. Frank Williams advised that this proposed law would limit usage of a building to one speciality, for instance, a pediatrician with as many assistants as he feels he needs. Lloyd Linninger, Glenwood St., asked what research had been done in respect to the number of practices in one building, noting that continued study had been authorized at a previous meeting. Supervisor Walters said that Matthew Delaney, Planning Consultant had talked about property that might be conducive to a Medical Arts Center, but had not been consulted about this particular situation. Councilman Cropsey mentioned that the prime reasoning here is to limit. He

REGULAR MEETING

JULY 10, 1973 8:00 P.M.

noted that in addition to talking to professional people, the Board has looked at how other communities have faced up to similar problems. Councilman Cropsey said that a Medical Arts Center would be good in the right area. Lloyd Linninger suggested that consideration be given to eliminating R-10 from the proposed law because of parking. Supervisor Walters said that we need a general framework first, then will try to take care of specifics. Tim Cohan, 14 Parkwood., said that in the rest of the Zoning Ordinance there are general regulations on parking requirements, and wondered why there wasn't an outline submitted in this amendment. Frank Williams said that the Zoning Board goes into questions of parking, that zoning rules already in effect would be applied on parking. John Esler, 19 Elmwood St., asked what criteria should be used for parking, and said there should have been a specific paragraph.

Richard Kalish, 7 Norwood St., spoke in opposition to the amendment, stating that the proposed law is discriminating and vague in content. Sandra Morick, 3 Parkwood, said it's nice to have a pediatrician near, but other kinds of doctors are not necessary. Mrs. Morick said that of the five doctors on Western Ave. between Parkwood and Glenwood, three have no sidewalks, no driveways, the only access being from a private alley. She said that prior settlement of the parking problem is needed and that some doctors do keep up their property; some do not, noting that the County Health Dept. has been called on several occasions because of rats. Mrs. Morick suggested getting together with the doctors to figure out solutions, and added that the doctors don't have to stay where they are in order to stay in the town. Richard Kalish, 7 Norwood, asked what the law is about driveways. Harold Morick, 3 Parkwood, voiced his concern about driveways, noting that he owns one-half of a private driveway which is used by dental patients

REGULAR MEETING

JULY 10, 1973 8:00 P.M.

and that one of the doctor's patients backed into his fence. Councilwoman Porter moved that the Hearing be closed. Councilman Cropsey said that he is sympathetic to the problem of a private alley, but feels this does not pertain to the Local Law in question, and suggested that the Hearing should be continued. Mr. L⁴inninger, Glenwood St., said that he thinks this is a bad law for the rest of the town, since it would allow doctors to move into any residential area. He said the idea of zoning is to protect residents; under this law, the lot can be controlled. He thinks the Town Board should consider other options. Melvin Behn, 27 Parkwood, President of the McKownville Improvement Association, presented a letter of objection and petition signed by 336 citizens asking that there be no law in the Town of Guilderland which would establish Professional Zoning and stating the belief that the present zoning law allowing professionals to practice in their own homes is sufficient. (Petition and letter on file in Town Clerk's Office.) Tim Cohan, 14 Parkwood, said that he is in favor of a professional zoning amendment, but not in favor of this amendment. Nancy Sills, Hiawatha Dr. said the proposed law is unworkably vague and wondered if a variance could be given to Dr. Mastrianni. Frank Williams advised that there is no way we can legally give a variance. Hope Donovan, State Farm Rd., said that nowhere does it say 'Special Use Permit'. Zoning should apply uniformly to the whole town. John Esler asked the Town Board to file notices for future hearings in designated papers. Speaking in opposition, Mr. Esler mentioned the possibility of the alley being blocked, and was advised that this would not be the Town Board's concern. Mr. Esler mentioned the matter of new construction and remodeling, and wondered if plans are examined. He said he did not think it proper to pass an ordinance until the parking situation can be resolved. Marilyn Cohan, 14 Park-

REGULAR MEETING

JULY 10, 1973 8:00 P.M.

wood, asked why the zoning law is limited to these professional people. Supervisor Walters said this was because we had a specific problem. Kenneth Johnston, 2 Knowles Terrace, asked about deed restrictions in Highland Park Estates in McKownville. Frank Williams, Town Attorney, said that deed restrictions are independent of zoning. Margaret McKinley, 10 Knowles Terrace, spoke in opposition, noting that of approximately 68 people who signed a petition in favor of Dr. Mastrianni, 28 or 30 also signed against rezoning. Councilman Cropsey said that this is one of the best Public Hearings we have had and that there have been many constructive and thoughtful suggestions. The following spoke in opposition: William Gannon, 5 Elmwood; Bonnie McNally, Victoria Drive; Norma Levens, 4 Elmwood; Alice Torda, 1259 Western Ave.; Don Fitzgibbon, 23 Norwood. Mila Kalish, 7 Norwood, spoke in opposition and asked if there would be any way to rewrite so some of the problems can be resolved. John Benson, 1255 Western Ave., spoke in opposition saying that the law seems a patchwork approach, discriminating against other professions. He said that special consideration is being given to people of high income and that there must be a way that is more equitable. Eugene Gee, 67 Van Wie Terrace, spoke in opposition, wondering whether the parking regulations would be actively enforced if the amendment were passed. Mary Lux, 6 Elmwood, said that she is unalterably opposed. Marilyn Cohan said that she is opposed because of vagueness, but in favor of Dr. Mastrianni. All persons desiring to be heard were heard. The motion to close the Hearing was seconded by Councilman McNiven and carried unanimously.

* * * * *

PUBLIC HEARING - LOCAL LAW #3 of 1973 - A Law Regulating Mass Gatherings
Within the Town of Guilderland