

Guilderland send

Questions about quality of life and impact on Crossgates come up at hearing

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On Tuesday, May 4, the Guilderland Town Board held a public hearing on revisions to the zoning law dealing primarily with home occupations and mixed-use developments, but the law was sent back to the Zoning Review Committee over concerns that the wording would make Crossgates a "non-conforming use."

While much of the public comment focused on home occupations in McKownville, the law was sent back to the committee to reconsider amending a provision that would make Crossgates a non-conforming use, as well as a provision that would allow more residents to reside in mixed-use developments.

The public and the board discussed home occupations for much of the meeting with Councilmen Mark Grimm and Warren Redlich objecting to the need for a permit to have a minor home occupation, which by definition cannot be discernable from outside the home.

Grimm insisted that home occupations that do not affect neighbors

should be allowed without the need to notify the town.

"This is most certainly a right to privacy," he said.

Redlich said the language of the proposal was vague.

"If there could be some clarification as to what does not need a permit, that would make me more comfortable," said Redlich.

Following the discussion, Supervisor Ken Runion said he would like the law to include a provision that says, if you are not running a business from home but working from home as an employee of a business, you will not need a permit.

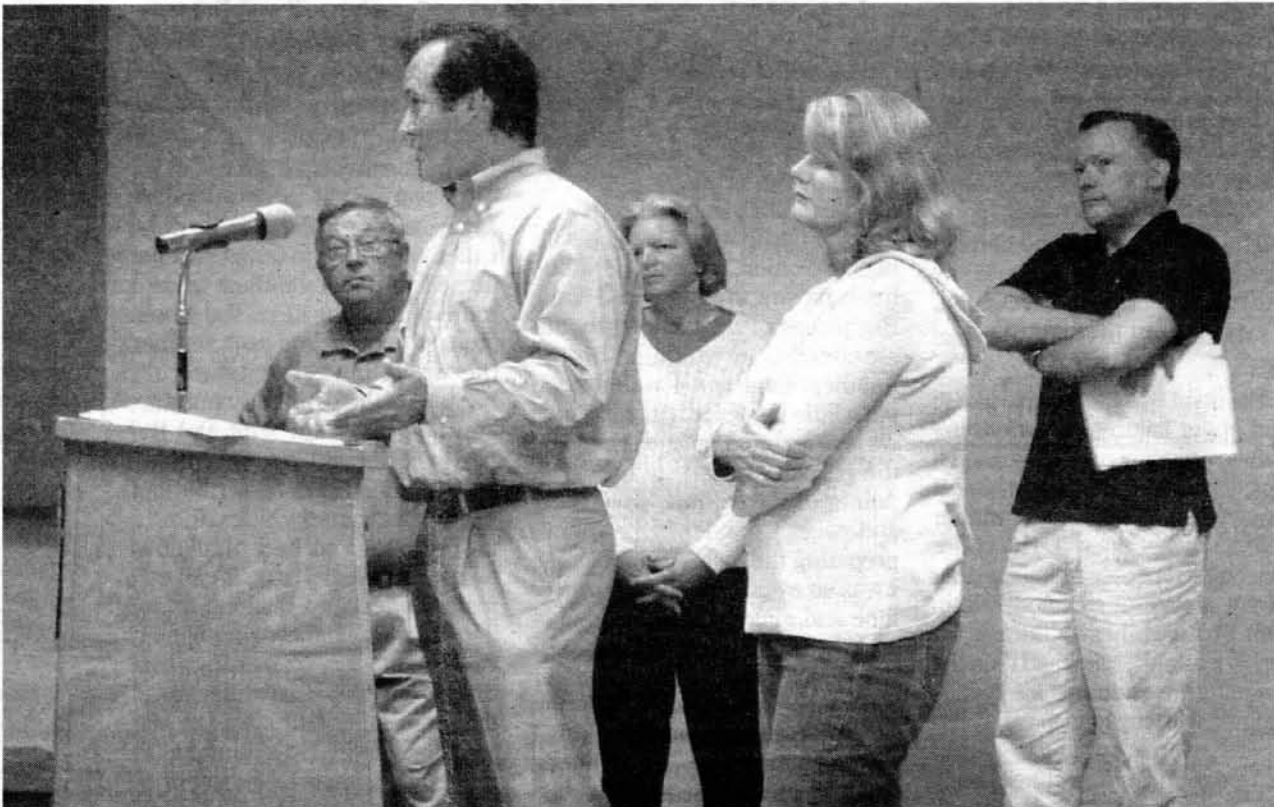
Another issue discussed by the Town Board, and previously discussed by the Planning Board, was a provision in the law that would limit regional shopping centers to 1 million square feet. Prompted by a letter from lawyers representing Crossgates, a 1.6 million-square-foot shopping center, the board found out that the 1 million square feet cap on regional shopping centers was overturned by a New York State Supreme Court ruling in 1999 when the Town Board passed the law.

"If this passed, this would render Crossgates a non-conforming use. ... They would be limited in what they could do in the future" said Redlich.

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**— Warren Redlich,
Town Board member**

Is zoning law back to committee



Members of the Zoning Review Committee field questions about the proposed zoning law at the public hearing Tuesday, May 4. After nearly eight month of mulling over the town's zoning code, the committee is being asked to reconsider sections of the law dealing with mixed-use development and Crossgates.

Ryan Munks/Spotlight

Currently, the town has no cap on the size of regional shopping centers. If the 1 million square foot cap was passed by the board, Crossgates would have to gain town approval for future construction. Redlich said he was concerned legal action would be taken by Crossgates if the law was passed without considering the 1999 decision.

"Either way, a decision would be defensible," said Peter Barber, chairman of the Zoning Board and member of the Zoning Review Committee. "It's your choice."

Runion said the law should keep the mall a

conforming use.

"You have to keep it a conforming use [otherwise] it will devalue the mall. It's going to impact their assessment," he said after the meeting.

He said that making Crossgates a non-conforming use would make potential buyers of the mall pay the price for the mall as if it was a 1 million square foot mall, as opposed to its actual size of 1.6 million square feet.

Runion also said he wanted to send the law back to the Zoning Review Committee so its members can consider the effect allowing more mixed-use developments in the town

will have on residents' quality of life, something he believes was overlooked by many in drafting and considering the law.

"I envision that the mixed-use provision could create a second round of intensive development on Western Avenue that I don't think we all anticipate," he said.

The law, as proposed, would allow mixed-use developments to have up to three residences in addition to a business located in a single property. Ken Brownell, chairman of the Zoning Review Committee, said the provision in the law encourages development

such as Glassworks Village, a mixed-use development that gain town approval in December, and is set to be built in the area of Western Avenue and Winding Brook Drive.

"I don't think that was the intent of the comprehensive plan or smart growth issues discussed by the state," said Runion.

He said that allowing three apartments to be built on top of a business will add students to the school district without adding significantly to the property's assessed value, creating a strain on the school district.