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Guilderland panel revises zoning law

Crossgates falls within 'conforming uses' under new wording

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After a number of issues were raised by the Town Board, Guilderland's Zoning Review Committee met at a working session on Friday, May 14, to consider revising amendments to the town's zoning law. Among the changes made were making Crossgates a conforming use, adding a definition of uses that will not need a permit for a minor home occupation, and clarifying what may be considered mixed-use development.

The committee has been working to update the town's zoning law since August. The proposal streamlines the process for home occupations, and allows for mixed-use developments to contain a number of residential uses in addition to a business.

The law was considered at a public hearing at the Tuesday, May 4, Town Board meeting and drew a number of criticisms from councilmen Mark Grimm and Warren Redlich, as well as Supervisor Ken Runion.

Grimm and Redlich said the law should include a list of conditions in which a person working from home would not need a permit. Redlich and Runion said making Crossgates a non-conforming use by limiting regional shopping centers to 1

Crossgates going to be in 20 years?"

Chuck Klaer, a former member of the Zoning Board, questioned the committee's decision, saying that the town's comprehensive plan does not favor Crossgates expanding to 2 million square feet, and that the mall does not have enough parking to handle an additional expansion.

"The only thing [the comprehensive plan] doesn't favor is another super large retail center," said Stephen Feeney, chairman of the Planning Board.

Feeney said there could be additions to Crossgates that complement the services already offered without having a negative effect on the surrounding community.

Peter Barber, chairman of the zoning board, said he was more in favor of a 200,000-square-foot expansion, which could accommodate a space as large as Macy's.

Ken Brownell, chairman of the committee, said that ultimately, the decision on how much Crossgates would be allowed to expand is up to the Town Board.

The committee also considered Runion's concern that allowing more residential uses in mixed-use development would lead to overdevelopment along Western Avenue. In the end, the committee left the proposed law relatively unchanged, with the exception of adding a line that says "the residential use is intended to be secondary to the

non-residential use."

Feeney, who proposed the change, said including the sentence would give direction to the Zoning Board in determining what qualifies as a mixed-use building.

"I think this alleviates Runion's concerns too," said town planner Jan Weston.

Feeney cited development in the area, specifically on the SUNY Albany campus, and the residential opportunities that come along with the development.

"I think we need to take advantage of residential opportunities along Western Avenue," he said.

He also said given the limitations imposed in the law, such as limit four units per building in the local business district, and two units per building in the business non-retail professional district, a second wave of development is unlikely.

Finally the committee amended the proposed law to define conditions under which a person working from home would not need a permit. The law now says "a certification or fee is not required if the minor home occupation has no advertisement, Internet presence, phone listing or other public information, associated with the minor home occupation, and complies with conditions for minor home occupations."

The local law will likely be considered by the Town Board at its second meeting in June.

million square feet (with Crossgates being 1.6 million square feet) would have a negative impact on the town. Redlich said doing so would invite legal action against the town, while Runion said making it a non-conforming use would devalue the mall and have an impact on its tax assessment from which the town benefits.

The Zoning Review Committee changed the draft to allow Crossgates, a super-regional shopping center, to be in conformity with town law up to 2 million square feet, which would allow the shopping center to expand an additional 400,000 square feet.

"I think we should allow Crossgates to expand," said Donald Cropsey, chief building and zoning inspector.

Kathy Burbank, member of the committee and executive director of the Chamber of Commerce, said "We are looking to make this stick for 20 years. What is