

Rezone draws criticism

McKownville residents speak out against proposed home occupancy rezoning

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Several McKownville residents voiced concern over a proposed rezoning law that would allow residents wishing to have occupations out of their home to avoid having to apply and be approved for a special use permit at a regular Town Board meeting on Tuesday, Oct. 5.

During the meeting, Ken Brownell, chairman of the town's Zoning Review Committee, spoke during a public hearing about the proposed rezoning, which, in addition to the proposed amendments to home occupancy, also included provisions that would authorize special use permits for mixed-use buildings and more clearly define the zones

where shopping centers are allowed.

"What we tried to do was take the zoning law and bring it into the 21st Century," Brownell said.

Brownell said that as more home occupations have been on the rise in the town, the Zoning Review Committee looked at ways to expand the town's limitations for home occupations and to be able to streamline the process by which a resident can begin to operate a business out of their home.

According to Peter Barber, also on the committee, the committee has recently seen between three and four requests for special use permits per month from residents wishing to have a business out of their home.

"We're getting more and more with the economy," said Barber.

Every special use permit must be reviewed

□ **Draws Page 23**

Draws

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by the zoning and planning boards, which could take between three to six weeks, he said.

Special use permits cost about \$75, according to Barber. But with the amendment, the cost for obtaining a permit for a minor home occupancy would be reduced to \$10.

With the proposed amendment, home occupancies would be divided into three categories, Brownell said. The first, for occupations such as writing or art, would not require the resident to obtain a special use permit. The second, Home Occupancy 1, would apply to an occupation such as that of a resident who is a computer consultant and would require a special use permit. The third, Home Occupancy 2, would cover similar occupancies as Home Occupancy 1, but would be in smaller zones, according to Brownell.

The mixed use element of the proposed amendment would create a new type of living and working situation in the town, that could also have environmental benefits, Brownell said. A mixed use building would allow a resident to have a business downstairs in a building, while having their home upstairs.

Don Reeb, a McKownville resident for over 41 years, said his neighbors have some issues with the amendments to home occupancy zoning, as the new provisions would prevent the neighbors from necessarily knowing what the business owners are up to.

concerned by how many cars were parked along the street and driveway to visit the resident on a regular basis. The larger reason for concern though, Reeb said, is that illegal drugs could be sold by residents or brought into the neighborhood by customers visiting residents' home businesses.

"Home occupation is, in many ways, inoffensive. But in many ways it is offensive," he said. "It's not like somebody running an ice cream stand in which it's very obvious what they're doing."

Resident Charles Klaer said that his concern was that modifying the zoning for these purposes is not in line with the town's comprehensive plan.

"The case may be made for home occupancies. Certainly within the state, there is a long history of regulating occupancy," Klaer said. "I think mixed use proposals need to be reviewed to which areas they are applied."

During the meeting, Reeb also said that the topic of McKownville forming its own village or hamlet has been discussed with Supervisor Ken Runion over the past several months, and that perhaps it would be worth looking into further to have the zoning amendments for home occupancy and mixed use buildings to also be included in those discussions.

At the meeting, Supervisor Runion said McKownville is an especially unique section of the town, which has had a lot of pressure put on

it by boundaries such as the College of Nanoscale Science and Engineering at the University at Albany.

"Because of the boundaries that have formed, [McKownville] has, in effect, almost become its own village, so to speak."

Runion said he thinks it is important that McKownville maintain its unique structure, which is why the town will be looking into designating McKownville as its own hamlet. Runion also said it is important to consider all that comes with separating McKownville as its own unit.

"While setting up a separate village does sound interesting, again, we're talking about setting up another level of government," he said.

Despite the possibility of McKownville residents possibly facing separate taxation in addition to town taxes, Runion said creating the hamlet or village could give the town some "creativity and flexibility" when issues such as the zoning amendments come before the town and are more easily applicable to some parts of town and not others.

The proposed amendments were not voted on at the meeting, but instead tabled until the town can receive further information on recommendations from Albany County. Runion said the amendments could be voted on as soon as the next Town Board meeting, which will be held on Tuesday, Oct. 19.

Reeb said, "It's very clumsy for neighbors to spy and try and figure out what the hell is going on" if the business owners are not required to obtain special use permits for their businesses. Reeb gave an example of neighbors believing a resident was running a home-hairdressing business but denying it when police questioned the resident.

Still, Reeb said he and his neighbors were