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Guilderland panel hit on rezoning case

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GUILDERLAND — The attorney representing developer Vincent Wolanin has accused the town Zoning Board of delaying action on his client's proposed office building so the town could rezone his property to restrict such a use.

Although Wolanin's property on McKown Road, adjacent to his 21st Point Racquet Club, was zoned for business use when he presented his plans for an office building in April, the Town Board rezoned the parcel to residential this past Saturday.

On Wednesday, Louis Dempf Jr., Wolanin's attorney — appearing before the zoning panel for the third time concerning the application — contested the board's ruling that the site was no longer properly zoned for the proposed use.

Dempf, who in the past has become excited at meetings, was uncharacteristically subdued as he

addressed the board on behalf of Wolanin, who sat silently throughout the exchange.

Dempf claimed the board intentionally had become engrossed in matters such as site drainage — which he said usually were reserved for the town engineer — to slow down the approval process.

Charging the board had requested an unprecedented \$10,000 worth of engineering expenses in order to grant a special-use permit, he said, "You violated your own standards. . . . You dragged this thing along so you could change the zone."

He said that if the board had acted in a "straightforward fashion," his client would have had the special-use permit before the rezoning vote.

"It is our position that we have done extensive work in getting this proposal ready," Dempf said.

Wolanin said about \$1 million had been invested in the property, including the costs for a traffic study required by the Zoning Board, grading, draining,

removal of the existing structure and foundation and architectural, engineering and legal fees.

"We feel you have deprived us of our property rights without the appropriate due process of law," Dempf said, adding a "judicial determination" is needed to settle the dispute.

While William Sheehan, the Zoning Board attorney, said it was Wolanin's option to litigate, he asked him to consider withdrawing the application. Wolanin declined to do so.

In response to the litany of charges, Sheehan argued the board had treated Wolanin's application as it would have any other.

In addition to dismissing Wolanin's plans for an office building because of improper zoning, the board also rejected the developer's latest proposal, a 7,200-square-foot accessory building next to the 21st Point Racquet Club.