



& Albany County Pos

NO. 47 • THURSDAY, JUNE 7, 2012

ependent newspaper

Size capped

By Tyler Murphy

NEW SCOTLAND — The future of New Scotland will not include large retail stores.

Closing the chapter on a two-year battle over the issue, the town board unanimously adopted a local law Wednesday night limiting large-scale commercial development.

New Scotland Supervisor Thomas Dolin polled each council member by name to record their votes and, after its passage, the score of residents in the gallery broke out in applause and cheers of “thank you.”

Others, representing the interests of large-scale developers, noted their objections prior to the vote and then left before the board passed the resolution.

Sitting board members ran on platforms of limiting large-scale

development; it took two election cycles to defeat candidates in favor of less regulation.

“It is the driving force for me being here and many here tonight,” acknowledged Councilman William Hennesy, motioning to his fellow board members before casting a vote of support.

After two failed attempts, the town board successfully passed the law, which limits the size of large-scale commercial development in the area of routes 85 and 85A.

Councilman Douglas LaGrange recalled struggling against pro-devel-

opment supporters when he and others favoring of the size limit were in the minority. “We tried to stave off what was coming,” he said, referring to his efforts with Dolin a few years earlier. “And at the same time

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realizing we were a little behind the eight-ball in the numbers for and against. Despite the efforts we made, the biggest effort came from the public.”

“In subsequent elections, people understood what was going on better,” he said.

The new law limits single retail stores to no more than 50,000 square feet and limits the total size of retail development per parcel to 100,000 square feet, said one of the law’s architects, Councilman Daniel Mackay. The 100,000 square feet restrictions were designed to limit the size

loudly and ubiquitously to have you pass this law,” resident Dean Sommer reminded the board. An attorney, he was one of the founders of the grassroots group, New Scotlanders 4 Sound Economic Development, that worked to press the size-cap law.

In 2009, more than 2,400 New Scotland residents, in a town of 9,000, signed a petition calling for a moratorium on commercial development.

One of those who collected signatures for the petition was Elizabeth Kormos. Recalling her experiences going door-to-door to get signatures she said, “I decided

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of aggregate storefronts sharing a single location, such as strip malls, he said. Another provision allows for exceptions to the law but only if the town and planning boards approve the application.

When asked if he would make the first motion to vote on the law, an enthusiastic Mackay responded by saying, “I would love to move the adoption.” He

if most people didn’t care then I’ll back off but most people did care, they cared a lot,” she said.

Kormos currently serves on the committee charged with developing a comprehensive zoning plan for the town, which is set to complete its recommendations later this year.

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boards approve the application.

When asked if he would make the first motion to vote on the law, an enthusiastic Mackay responded by saying, "I would love to move the adoption." He then added "Over all, this law is long overdue. It builds a bridge to further refine zoning in the community and addresses the specter of development in our community."

Objections

The hundreds of acres of land at the intersection of routes 85 and 85A is zoned for commercial development but has only ever been used for agriculture. The site became a focal point of debate for the town in 2008 when Cazenovia-based Sphere Development proposed building a Target-anchored shopping center there. The area includes the former Bender melon farm, which has been owned by a group of private investors since 1971. Lawyer Maura Mottolese, who represents the group, read a statement on behalf of investors calling the law, "ill-timed and ill-conceived."

She said the area of the Bender melon farm included 198 acres, which she calculated at 8,624,880 square-feet. "To limit retail development to 100,000 square feet is absurd," she said.

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developing a comprehensive zoning plan for the town, which is set to complete its recommendations later this year.

"It has been a long battle. It has been a great example of small-town democracy at work," Kormos told the board in support of the law. "Both sides have spoken for what they want the future of this town to look like but there's only one way we can go," she said.

Resident Saul Abrams said he was glad to have a retail cap but wondered if the land could still be developed in a way that could hurt the town's desired rural character.

"I think you have to get away from the municipality focusing on retail only," he said, "This area can be used for many purposes besides residential."

"Stop-gap measure"

Following the eight-minute public hearing, the board took a 20-minute recess and then convened for a scheduled special board meeting. The board first endorsed an environmental impact review that stated passing the commercial-size law would not negatively impact the environment, before adopting the law itself.

"A negative declaration means there is no significant environmental impacts," said Delia

"Anyone who's had to go through the planning-board process of this town knows the board personnel are very competent," began David Moreau, a local developer, in his remarks to the board. Moreau said a process of credible review was already in place for the town and the new law would only restrict the community's long-term economic viability.

"I just ask the town board people to put themselves in the shoes of landowners," he said. He posed the question; "A landowner with 5 acres and a landowner with 500 acres both would be treated the same?"

"If it's for retail — correct," quickly responded Councilwoman Patricia Snyder. "I look at this as a beginning and not necessarily as an end — where we want to be and how we want to move forward," she said.

Supporters

Others in attendance agreed with board members.

"I encourage the board to pass this law. The public has extensively spoken about the desire to have this passed. The community itself has spoken quite

more is no significant environmental impacts," said Dolin, explaining the document to the public. "There may be beneficial ones but no significant adverse effects have been identified," he said, referring to the study's findings.

Dolin said the law was a "temporary, stop-gap measure," meant to fill a hole in the town's zoning laws while an advisory committee worked to create a more comprehensive plan for zoning at the intersection of routes 85 and 85A.

"The problem is, until we get the linkage report from the committee and enact legislation as a result of the study, it could be another year just to get all that done. In the meantime, we have a very substantial exposure under the current commercial zoning laws that would permit big-box development," said Dolin at last month's meeting.

The committee's 58-page draft plan was released to the public last month. Though the study is not legally binding, it may serve as a blueprint for elected officials to develop new zoning laws and building codes in the near future.