

# Town rejects pub deck

P-118  
1-25-06  
Guilderland Spotlight

By **STEPHEN PAUSE**  
*pauses@spotlightnews.com*

In a decision that had divided residents and officials, the Guilderland zoning board denied a request by the Across the Street Pub to build a deck on its property by majority vote of 4-3.

Peter Barber, who took over as zoning board chairman when Brian Clenahan was appointed town attorney, made the motion to deny the application.

He cited a number of reasons for his motion, including the lack of mitigation for the surrounding residential neighborhood in terms of parking and the noise during the summer months. Several residents of nearby Arcadia Avenue, where pub patrons often park when the lot overflows, had sent letters of opposition to the town complaining about the parking situation.

The last time the deck came up was at a December meeting,

when a motion to deny was not adopted. At the time a motion was not made to approve the motion, and it was left to a decision-only vote, meaning no more public comments would be heard for Wednesday night's meeting.

Owners of the pub, located at 1240 Western Ave., had asked for a parking variance and a special use permit to build a 16-foot by 20-foot deck that would provide outdoor seating for 20 people, but would reduce the number of parking spaces by two.

The total number of parking spaces would be around 80, and with the occupancy rising to 147, the pub was asking for a 50 percent variance in parking, a percentage that most agreed was rare.

Board members were in agreement that the pub's proprietor, Michael Arduini, was a responsible businessman who had said that if the application was denied, he would go on with his

# Deck

business. (From Page 1)

However, Arduini sent a letter to the town saying that within a mile and a half of his establishment, there are nine restaurants with outdoor eating areas, making it difficult to compete.

The pub's application had been approved by the planning board on Aug. 11, with the condition that the "applicant prove to the satisfaction of the ZBA that the existing parking can adequately accommodate the addition."

1 Cats  
1 People



Also submitted to the town was a petition signed by more than 150 pub patrons in favor of the deck. Another petition, passed around by the McKownville Improvement Association, was signed by 37 residents, several of whom live on Arcadia, and was in opposition of the deck.

In further support of his application, Arduini had come to an agreement with the Fraida Real Estate Group for 12 parking spaces. The board, however, questioned whether the spots were within 300 yards of the establishment as required by the zoning law.

Board members took their time before announcing their decision, contemplating a yes vote, in support of the motion to deny, or a no vote, in favor of the pub.

Board members Sue Macri and Michael Marcantonio voted against the motion to deny the application.

James Sumner and Sharon Cupoli voted in favor of the motion, as did Charles Klaer.

"I was very concerned that an approval would set a very difficult precedent for this board, so I am clearly in favor of your motion," Klaer said to Barber.

Patricia Aikens took the longest time to give her vote, but in the end voted in favor of the motion.

"It's tough, because I go back and forth, with Mr. Arduini trying to do the right thing, trying to expand his business, and certainly bring what he feels is a positive thing to the neighborhood," she said. "And I can also understand the neighbors' situation that they face when his patrons are parking near their homes. But I did vote against the motion the last time around, and I feel I need to vote against the motion again."

Don Reeb, president of the McKownville Improvement Association, said he felt the board had made the right decision.

"I'm sure the neighborhood is pleased with the ruling," he said. "It isn't that we dislike the pub, it's just that it's big enough."