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BY COURIER

October 16, 2007

Town of Guilderland Zoning Board of Appeals
Guilderland Town Hall
P.O. Box 339
Guilderland, NY 12084

ATTN: Peter Barber, Esq., Chairman

**Re: 320 Fuller Road
Guilderland (T)
Albany County, NY
The Shabbos House
Area Variance Request for Parking**

Dear Chairman Barber and Members of the Zoning Board of Appeals:

I enclose a copy of the revised plan and Storm water Management Report which was resubmitted to Mr. Robert Osterhoudt of Boswell Engineering for review (see attached letter).

At the last Board of Zoning Appeals meeting, we were requested to identify similar facilities in the area. I provide herewith a partial list of churches in Guilderland within 10 miles of the site which are within a residential zone or which adjoin a residence or residential zone on at least one side.

Carman Road Alliance Church
Christ Lutheran Church
Christ the King Church
Church Grace Baptist
Cornerstone Christian Church
Helderberg Reformed Church
Lighthouse Baptist Church
Open Arms Fellowship
Open Door Church
Saint Boniface Episcopal Church
Saint Madeline Sophie Church

We are unable to identify any Jewish synagogues or other places of Jewish worship within the Town of Guilderland for comparison. As mentioned at the last meeting, there are two buildings which offer Orthodox Jewish religious services in the City of Albany. One is Congregation Shomray Torah which is located in a converted single family house at No. 463 New Scotland Avenue in Albany which is used regularly for religious services and neither needs or provides any off-street parking. The second is Congregation Beth Abraham Jacob which has off street parking which is used for times when religious observance does not impact the use of cars for transportation (i.e., Bingo night, or social events).

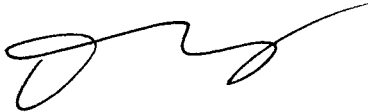
Regarding sidewalks, Guilderland Pathways expressed some concern that the currently proposed plan does not include sidewalks from the site heading south to the Executive Park Drive crossing. Commissioner Franchini of the Albany County Department of Public Works indicated that the planned reconstruction of Fuller Road would include pedestrian accommodations of the type favored by Guilderland Pathways. We have included a walk from the university entrance road to the site since most pedestrian access to the site is from that source. If the County's Fuller Road improvements are completed in advance of this project, this walk should be included in that improvement. The Applicant believes that there is no reasonable nexus to require the Applicant to construct 650 linear feet of sidewalks for the use of the general public south of the site because most pedestrian access by users of this facility is from the University at Albany sidewalk north of the site. Testimony at the hearing indicated that currently walkers use sidewalks on the west side of Fuller Road and find that adequate.

Regarding to the provision of a more permanent arrangement for the 30 parking spaces from the University of Albany, the Applicant does not believe that any such agreement will be provided by the University at Albany. Based upon the long established operation of this facility without reliance on any additional parking, we believe that this issue should not enter into the granting of the special use permit by the Zoning Board of Appeals. In fact, at the ZBA meeting the chair and virtually every speaker confirmed that there has never been a parking issue related to the religious services due to the observant participants and their reliance on walking to services.

If you have any questions or need additional information, please contact us at your convenience.

Sincerely,

HERSHBERG & HERSHBERG



Daniel R. Hershberg, P.E. & L.S.

Enclosures

cc: Donald Cropsey, with enclosures
William Anslow, with enclosures
Albany County Department of Public Works
449 New Salem Road
Voorheesville, NY 12186-4826
Thomas Shepardson, Esq., with enclosures
Rabbi Mendel Rubin, with enclosures
Robert Osterhoudt, P.E., Boswell Engineering

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