

Guilderland Is Upheld In Denial Of Permit

AE - 12/29/72

A Supreme Court justice has upheld the Guilderland Zoning Board of Appeals in its July decision, denying a special use permit for construction of a grocery store on Schoolhouse Road.

Woodlake Apartments Co., Inc. owner of the property on which it had been proposed to build an E-Z Shop, Inc., a division of Grand Union, petitioned the court in September to set aside the board's determination and direct that the permit be granted.

Justice John L. Larkin, however, has granted a cross motion of the zoning board to dismiss the petition, according to an order filed in Albany county clerk's office Tuesday.

The proposed construction was the subject of several public hearings and of considerable controversy, marked by the signing of petitions, both pro and con.

Opponents expressed fear of traffic congestion, accident hazards, potential littering, and devaluation of residential property. They objected to "spot zoning" as a "means of circumventing the wishes of the people" and of the town master plan.