

# Doctor's battle continues

GUILDERLAND—A McKownville doctor being prosecuted for violation of a town zoning ordinance has asked the zoning board for a special use permit to operate his office as a hospital.

Dr. Anthony F. Mastriani—whose 1461 Western Ave. office is in a residential zone which excludes doctors' and dentists' offices unless the professional men live in the building and use no more than 25 percent of a 10,000 square foot structure for business—has been in and out of town justice court since last summer when the building department accused him of violation of the ordinance. Residents had charged the ordinance was not being enforced before the action against Mastriani—who does not live in the building—was taken.

In 1972 Mastriani was denied a request made to the town board to amend the zoning ordinance to allow medical offices where his office is located, and last June he unsuccessfully applied for a rezoning of his property and several others along Western Avenue from residential to business.

Now Mastriani will attempt to prove his office conforms to the zoning ordinance's definition of "hospital". A hearing for the special permit use is set for May 9, 8 p.m. at Town Hall.

But the McKownville Improvement Association—which has been opposed to Mastriani's practice in their community, and assembled 100 dissenting voices at the rezoning hearing last June—is not impressed with the new

application, according to President John Esler.

Objections, he said, are to contended insufficient parking spaces and the nature of a residential neighborhood.

The neighborhood has two other physicians—Dr. John W. Abuhl and Dr. James Murphy—and includes a motel and complex of professional of-

fices.

Dr. Mastriani has offered a parking plan for 12 spaces, available to patients only, with office employes parking elsewhere. Under the zoning ordinance, seven spaces are required per full time physician, but that includes available spaces for workers as well as patients.