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OF COUNSEL

IRA PAUL RUBTCHINSKY

July 20, 1993

Donald F. Cropsey, Jr.
Building and Zoning Administrator
Guilderland Town Hall
Guilderland, New York   12084

Re: 1434 Western Avenue

Dear Mr. Cropsey:

As attorneys for Irwin and Judith Lapides, proposed purchasers of 1434 Western Avenue, the former Tusang-Barhydt location, I am submitting my request for an interpretation by the Guilderland Zoning Board of Appeals as to the continuing pre-existing, nonconforming use of the premises.

As we have discussed, Tusang-Barhydt operated a wholesale/retail outlet for the sale of heating, electrical fixtures, conduits and related matters. The proposed purchasers intend to operate a very similar business, with more emphasis on the heating, ventilating and air-conditioning end of the business. Electrical parts, conduits, thermostats, relays, wiring and other items sold by Tusang-Barhydt will be sold by the proposed purchasers.
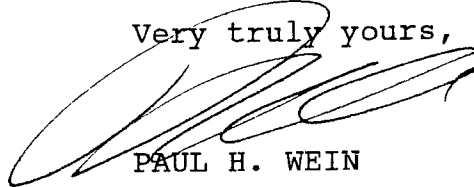
It is our opinion that the proposed use is a continuation of the pre-existing usage by Tusang-Barhydt, but in the alternative, if the Board is in disagreement, we would ask that the Board consider granting a use variance to permit the contemplated usage by the proposed purchasers. This request is based on the fact that the marketability of the property is extremely limited. The highest and best use of the property, as clearly evidenced by the many years of usage by Tusang-Barhydt, would be in accordance with the contemplated usage by the proposed purchaser.

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        Please advise as to when the Board can hear the
applicant make its case as to the this request.

        Appreciating your kind attention to this matter.

                              Very truly yours,

                              PAUL H. WEIN

PHW/cs