

RECEIVED SEP - 8 1993

TOWN OF GUILDERLAND ZONING BOARD OF APPEALS  
RE: 1434 WESTERN AVENUE  
CONTINUANCE OF NON-CONFORMING USE  
Submitted by Fritz Wezenaar AIA

DATE: SEPTEMBER 7, 1993

Dear Mr. Chairman and Members of the Board

On September 1, 1993 I attended the Zoning Board of Appeals meeting, the board charged to provide an interpretation as to whether a proposed wholesale/retail heating and air-conditioning business could be located at the former location of Tusang-Barhydt, Inc. a wholesale/retail electrical business that had operated at that location since 1952. It was anticipated that facts would establish that the proposed business to be operated at the site would be a similar type of business and as such would be considered a continuation of a non-conforming use.

Due to the lateness of the evening and the interjection of unrelated issues by a neighbor it became clear that the Zoning Board of Appeals had difficulties determining the similarities between the former wholesale electrical business and the wholesale heating and air-conditioning business. One of the important criteria to continue a non-conforming use is that the proposed business is not only similar in nature but that the size and scope of products handled and the operational aspects of the business will not significantly change from the previous business use.

The purpose of this letter is to identify and outline the similarities of the two(2) businesses.

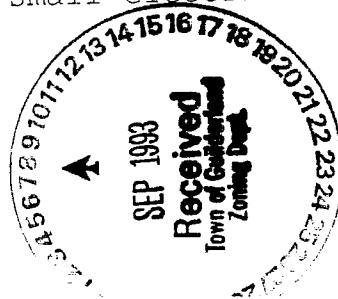
As an architect in business for thirty(30) years my work has involved both the design of facilities for the wholesale/retail electrical,plumbing, heating and air-conditioning trades. I believe therefore that I am qualified to make the analyses needed for you to make a interpretation that will satisfy the town regarding 1434 Western Avenue.

On September 2, 1993 I visited the Comfort Mart Distributors, Inc.,existing location at 520 Congress Street, Troy, N.Y. 12180., and was given a tour by the owners Mr and Mrs. Lapidis. I report to you that a single entrance facing Congress Street brings customers into an area that contains a service counter and minimal amount of product display is located in the customer area.

Immediately in back of the counter are numerous shelving units with aisles running perpendicular to the counter.

These shelving units contain mostly smaller parts, many boxes i.e., thermostats, various controls, sensors, and loose parts in small bins such as copper fitting for piping work used in connection with the heating and air-conditioning equipment sold at this location.

In addition, electrical components ie., connectors, wiring, primarily control wiring and small electrical motors are located on these shelves.



Directly in back of the shelving units is an office area and adjacent to this a warehouse area for larger items like boilers, furnaces, hot water heaters and fin-tube baseboard radiation.

The layout of this area and quantity and size of the products is almost identical to that of the former Tusang-Barhydt and to any electrical wholesale/retail business, with the following exceptions that of the showroom space. In the previous electrical business the lighting fixture display area was considerably larger (approx. 2000 sq.ft) than the display area (showroom) for the proposed heating and air-conditioning business which will be at a maximum of one quarter the size of the previous business.

In the electrical business, wire and conduit are the major items and are stocked in substantial quantities, however, in the proposed business the quantities of piping and electrical wire are minimal.

**BUSINESS AND OPERATIONAL COMPARISON**

CATEGORY	TUSANG-BARHYDT, INC	COMFORT MART DISTR., INC
Hours of operation:	Mon/Fri 8-5 Sat. 8-12	Mon/Fri 8-5 Sat. 8-12 (Sept/Apr)
No. of employees :	15 on site	2-3 on site
No. of company vehicles:	1 truck 3 sta. wagons	1 small truck
No. of product deliveries:		
UPS	1/day	1/day
Tractor trailer	3/day	3/week
Other-truck type	2/day	1/day
No. Contractor's pick-up:	25/30/day*	15/20/day*
Prime times	8-10 AM 11:30 -1PM 4 to closing	8-9 AM 11:30 - 1PM 4 to closing
*In both businesses the transaction time is relatively short and it would be extremely rare that more than 5 or 6 customers are present at the same time.		
No. of retail customers:	6/day	2-4/day
Customer Base:		
Electrical Contractors-----	40%	
HVAC Contractors (1) -----	15%	75%
Institutional/Industrial-----	15%	
Plumbing/Heating Trade-----	15%	20%
Building Contractors-----	15%	
Building Maintenance personnel-----		5%
(1) Heating, ventilating and Air-conditioning Contractor		

Major business categories -	<b>TUSANG-BARHYDT, INC.</b>	<b>PERCENTAGE</b>
	Lighting Fixtures	20
	Electrical Supplies ie., conduit, wiring, lamps, wiring devices etc.	35
	Electrical heating Baseboard/unit	5
	Electrical Distribution Panels, Switches, Motor Controls, etc.	20
	Direct shipment from manufacturer to customer i.e., State Contracts and Contractors	20

Major business categories -	<b>COMFORT MART DISTRIBUTORS, INC.</b>	
	Controls	20
	Pipe valves/fittings	10
	Equipment: Boiler	22
	Furnaces	8
	A/C	10
	Water Heaters	4
	Ductwork/Registers	12
	Baseboard radiation	5
	Chimney flue supplies	6
	Miscellaneous	3

In both businesses a percentage of the products handled are shipped directly to the customer from the manufacturer, in the case of Tusang-Barhydt, Inc. this represented approximately twenty(20) percent of the total business. In the Comfort Mart Distributors, Inc. business this percentage will certainly be equal or may even be larger. The proposed business at 1434 Western Avenue will be a satelite store to the Troy operation and pick-up and delivery of boilers, furnaces and air-conditioning equipment products ordered will still be handled from the Troy location. Duplication of stock in all areas is not anticipated.

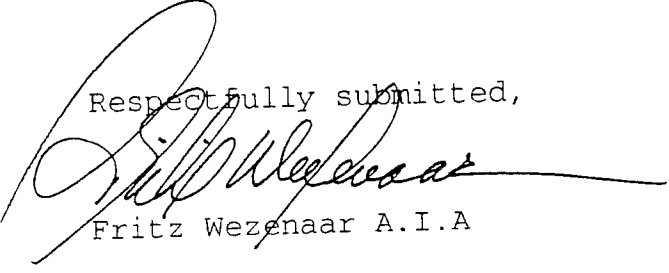
**SUMMARY**

In conclusion, the similarity of the two(2) wholesale/retail businesses in terms of types of products handled based on size, quantity and weight is remarkably the same. Other than the obvious comparison the display of lighting fixtures (Tusang-Barhydt) versus boilers, furnaces and water heaters (Comfort Mart) it would be very hard to distinguish the difference between the two businesses.

In addition, the operational aspects of both businesses are very similar in the area of customer base (only difference being a greater emphasis on a particular trade) pick-up, deliveries, material handling and direct shipping from manufacturer to customers will be the same. I believe that this analyses clearly illustrates that the proposed business is a continuation of the previous use of the property and as such warrants an affirmative interpretation.

Those of you familiar with the former Tusang-Barhydt operation are encouraged to visit the Comfort Mart Distributors, Inc. building on Congress Street in Troy to see first hand the aforementioned similarities.

Respectfully submitted,



Fritz Wezenaar A.I.A

FW/se

cc/ Mr. William R. Barhydt  
Mr/Mrs/ Irwin M. Lapides