

TOWN OF GUILDERLAND

MEMORANDUM

TO: James Carr, Chairman Zoning Board OFFICE
FROM: Matthew J Delany, Planning Consultant DATE September 13, 1993
SUBJECT: Agenda September 15, 1993

1. Comfort Mart Distributors, Inc/ 1434 Western Avenue

The applicant wishes to install a non-conforming heating and air-conditioning wholesale/ retail business in an existing building on a lot in a BNRP zone formerly occupied by a non-conforming electrical wholesale/ retail operation.

Evidence has been submitted showing the proposed use to be similar in function to the former use. It is also proven to be less intensive in activity than the former use in terms of number of employees, number of trucks associated with deliveries, on-site retail traffic generation and in hours of operation. Therefore, there is no objection to the proposed use from a planning viewpoint.

Although the lot meets the acreage requirements the site is in many ways substandard and it is important that a number of improvements be made if the Board considers approving the proposal. The first problem is on-site traffic circulation. The lot is only 75ft wide and the existing structure predates zoning. There are no adequate side yard setbacks which would allow traffic access the rear of the building. Consequently there is a leased access leading to the rear of the lot over the abutting property to the west which is also non-conforming commercial in use.

There are 7, not 6 as shown on the layout submitted, parking spaces in the substandard front yard and 14 spaces to the rear. All are non-conforming because they do not meet the setback requirements from the highway or the abutting residential properties. However they are all pre-existing. On the basis of evidence submitted on the reduced intensity of use it may be possible to eliminate some of the parking spaces, especially those in the front yard, which should be replaced by landscaping. Such action would greatly improve the visual appearance of the lot and its impact on the neighborhood.

One of the existing problems is buffering. There is a stockade fence along the entire eastern lot line against a residential property located in a residential zone. If repaired the fence seems adequate since there is no activity along the eastern side yard of the lot. Both the rear property line abutting residential properties on Weslyn Place and a segment of the west property line abutting the historic residence on McKown Road have no buffer. Buffers, which are badly needed, should be provided in accordance with the zoning requirements to the satisfaction of these property owners' wishes. The Board should also review the impact of existing and any new lighting proposals and the placing of a screened dumpster in the rear yard on these adjacent residences. A landscaping plan should be submitted for the lot with
over/

Comfort Mart Distributors (contd)

emphasis on reducing the visual impact of the operation on abutting residential properties on the east, south and southwest and increasing the visual attractiveness of the site on the north and west.

A second problem is the impact of truck deliveries on abutting residences due to the small lot size. It maybe possible to make deliveries on the western side of the building next to the other commercial use rather than at the rear next to the residential uses. This would reduce the noise, air pollution and vibrations associated with traffic in the rear yard next to the residential uses. The Board should also regulate truck delivery hours.

For safety reasons it is desirable that the light at McKown Road and a right-of-way along the south side of the abutting commercial property to the west be used for access to the lot by westbound traffic on Western Avenue. It is also desirable that the same route in reverse be used by westbound traffic exiting the site.

No objection provided above recommendations can be implimented.