

APPLICANT: Paul Wein
ADDRESS: 1434 Western Avenue, Albany, NY 12203
GRANTED: October 6, 1993

WHEREAS, a public hearing to consider the applicant's request was duly advertised and held on September 1, September 15, and October 6, 1993, as to whether or not a proposed wholesale/retail outlet for the sale of heating, ventilation and air conditioning equipment would be a continuation of the nonconforming use, which occupied the space and sold, wholesale and retail, heating, electrical fixtures, conduits and related items. per Articles 26 & 45 Sections 1 & 3 respectively, for property owned by William Barhydt situated as follows 1434 Western Avenue, Albany, NY 12203 Tax Map #52.20-4-8 Zoned BNRP.

WHEREAS, it was determined that the various conditions of the ordinance have been met.

In reaching its decision, the Board made the following findings of fact and conclusions of law:

1. The Town Planning Consultant had "no objection".
2. The proposed use was a reduction in the intensity of the prior business use.
3. The applicant had indicated that a fence would be installed along the Strasburg property along the part of the parcel they controlled.
4. The pavement on the Strasburg property would be removed at the applicants's expense.
5. Four parking spaces and one handicap parking space were provided in the from of the building.
6. The applicant had provided the Board with a plan for increased landscaping on Western Avenue.
7. The hours of operation were Monday through Friday 8:00 am to 5:00 pm and Saturday 8:00 am-12 noon.
8. The delivery hours for the business would be restricted to the hours of operation.
9. The applicant had indicated that snow would not be plowed and stored near Mrs. Strasburg's property, but stored at another location on the site or removed.
10. The applicant had indicated that a rear entrance would be provided.

11. The applicant had provided a traffic flow plan to the Board, which in its nature restricts left hand turns onto Western Avenue.
12. It was a sense of the Board that use of the Caccamo property for exiting to McKown Road shall be discouraged and the Board requested that the applicant enforce this sense at all times.
13. A date of March 15, 1994 was set for the Town Designated Engineer visit Mrs. Strasburg's property and determine whether any storm water run off at the site onto her property was occurring. If there was storm water run off then the Board may require the applicant to install a medication.
14. The applicant had indicated that parking lot lighting would be installed in a manner that it would not be evasive to Mrs. Strasburg's property.

Conditions:

1. A copy of the applicant's survey shall be submitted to Mrs. Strasburg without haste and also notification of this transmittal was to be made to the Board.
2. The proposed fence to be installed by the applicant to buffer Mrs. Strasburg's property (Indicated in Finding 3) would be installed on the applicant's property and at the applicant's expense.

An engineering and/or architectural certification may be required by the Building Department during construction and prior to final inspection and/or issuance of Certificate of Occupancy (or use) pursuant to the Zoning Law of 1987 as amended.

All representations made by the applicant, his attorney, or other representatives in his behalf, and all plans, renderings and other materials submitted in support of the application are incorporated in this Special Use Permit and shall be deemed made for the purpose of inducing the Zoning Board of Appeals decision in this matter.

If this Special Use Permit is not exercised (a building permit granted pursuant thereto) within one year of date of issuance, said Variance is hereby declared to be null and void and revoked in its entirety.

BY ORDER OF THE ZONING BOARD OF APPEALS.

ATTEST:

Mary Ann Kelley
Secretary

James Lou (ma)
Chairman

