

DECISION OF THE CITY OF ALBANY BOARD OF ZONING APPEALS

ADDRESS OF SUBJECT PROPERTY: 875 New Scotland Avenue

IN THE MATTER OF: Extension of the hours of operation from 7 a.m. to 10 p.m. to 6 a.m. to 11 p.m.

APPLICANT: Stewart's Ice Cream - Walter Warren

ADDRESS: P.O. Box 435, Saratoga Springs, New York 12866

CASE NUMBER: # 4-88,495 DATE APPLICATION RECEIVED: 4 / 15 / 88

DATE OF HEARING: 5 / 19 / 88 DATE OF DECISION: 5 / 23 / 88

The above referenced application is hereby:

- Approved
 - Approved subject to the conditions listed below
 - Disapproved for the following reasons
- | | |
|---------|----------|
| Vote: | |
| For | <u>6</u> |
| Against | <u>0</u> |
| Abstain | <u>0</u> |

FINDINGS:

On 2/11/85 the Board of Zoning Appeals granted a variance to convert the site of a former gas station to a Stewart's shop. As a condition of original approval the Board limited the hours of operation to 7 a.m. to 10 p.m. The applicants are now requesting that the hours be expanded to 6 a.m. to 11 p.m.

The Board concludes that allowing the store to open for business at 6:00 a.m. would not negatively impact on the neighborhood or change the neighborhood's basic character while at the same time it would provide expanded hours of service to its early morning customers.

The Board unanimously concurs however that the best interests of the neighborhood would be protected and served by continuing to require that the store close at 10:00 a.m.

CONDITIONS:

That the hours of operations be expanded to allow the store to open at 6:00 a.m. but continue to close at 10:00 p.m.

ADVISORY NOTE:

~~The dead and dying pine trees that were required to be planted on the north side of the site be replaced within thirty (30) days of the date of this decision.~~

I, Joseph Dolan representing the Board of Zoning Appeals of the City of Albany, hereby certify that the foregoing is a true copy of a decision of the Board of Zoning and Appeals made at a meeting thereof duly called and held on the 23rd day of May, 19 88.

Date: 5/25/88 Signature: [Handwritten Signature]

This is not a building permit. All building permits must be approved and issued by the Building Department prior to the start of any construction.

Unless otherwise specified by the Board, this decision shall expire and become null and void if the applicant fails to obtain any necessary zoning, building or other permits or comply with the conditions of such decision within six (6) months of the date of authorization.
