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**PUBLIC HEARING - SSS REALTY, LLC**

The Deerpark Zoning Board of Appeals met for a public hearing on Thursday, January 16, 2014 at 7:30 p.m. at Deerpark Town Hall, 420 Route 209, Huguenot, N.Y. The following were present:

**ZONING BOARD OF APPEALS MEMBERS**

Dan Witt - Chairman	Jane Lord	Jim Harrington
Lee Cornell	Christa Hoover	

**OTHERS**

Mr. Glen A Plotsky, Town Attorney	Mr. John Fuller, Civil Engineer
Mr. Richard Dilger, Citizen	

The secretary read the public hearing notice: "Notice is hereby given of a Public Hearing to be held by the Zoning Board of Appeals of the Town of Deerpark, Orange County, New York, pursuant to Article 7 of the Town of Deerpark Zoning Law on the application of SSS Realty, LLC, seeking an area variance. The application affects the following premises: Record Owner: SSS Realty, LLC, Tax Map Designation: Section 47, Block 3, Lot 4.2; Zone Designation: HMU. Located at #6 Main Street, Town of Deerpark, Orange County, New York. Information on this application is on file with the Town Clerk, Town Hall, Route 209, Huguenot, New York. The Hearing shall take place at 7:30 P.M. on the 16th day of January, 2014 at Deerpark Town Hall, located on Route 209, Town of Deerpark, Orange County, New York, or as soon thereafter as practicable. All parties wishing to be heard shall be heard at that time."

John Fuller: Good evening, to the board and Chairman and the public this evening. My name is John Fuller, I'm a professional engineer, representing the application before the board and the public this evening. For the record, all certified mailings have been verified by the Assessors Office, and I'll give the receipts to Barbara. If I may, for the benefit of the board and the public, I would like to briefly introduce the project once again. The project involves, what is traditionally known as the Alexander Hotel in the Sparrowbush area of the town, specifically on Main Street, at the juncture where Main becomes Berme Road. That building has been vacant for quite some time, a better part of a decade, I do not have the exact dates, as to when it was last in use, but it's close to a decade long. The current owner, purchased the property in early 2013, and we began the process of making application, first to the Planning Board, and then second to this board as well. And the proposed permitted use, with Planning Board approval, for a conversion of the existing hotel, as it currently is constructed, converted into a 6 unit multi-family residence, which is permitted in the zone. At that time, earlier in the spring we were referred to this board, specifically to seek area variances for setback in order to re-use the existing structure. The way that it was positioned on the current property would require, and the fact that it had been vacant for so long, it would require area variances for front yard, as well as side yard variances. This board granted those area variances, and we proceeded last year before the Planning Board. We went through extensive review with the Planning Board, with regards to the application. And toward the end, of what we would call extensive review of the project, it was identified by Mr. Fusco, the town engineer, that there was a possible need to come back before this board for first, a possible interpretation and possible variances, in addition to the area variances that we were previous granted. Specifically, we had been referencing for the developing of this multi-family use section 26 of the Ordinance, which is the multi-family residential use section of the Ordinance. The follow up section to 26, which is section 27, is the

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conversion of structures. Within section 27, under sub category D, there is the following reading... "the conversion shall not result in increased residential density, exceeding that which is permitted within the district. If, for example, the minimum lot size is 2 acres, that no more than one equivalent dwelling unit shall be permitted, per 2 acres of lot area." Now, on the site, we are equivalent. Specifically, how this applied to our project, this parcel is slightly less than 2 ½ acres, and we also have to discount areas which are not usable, like steep slopes. Our calculation demonstrates the minimum of about 2 acres of land. The equivalent dwelling unit for the zone, HMU, is one dwelling unit per 40,000 square feet. So, the strict interpretation of that, would mean that the development would be permitted under conversion, only 2 dwelling units, or apartments. And again, our application has requested 6. Now, the only other section of the Ordinance that refers to multi-family, is section 26, which is the previous section, where there is a number required for multi-family development. In section 26, under sub-category F, it says the following... "multi-family dwelling density shall be granted a 300% density bonus, above the number of dwelling units per acre, allowed in the zone." So, under that definition, of 26, we would be granted a 300% or 3 times of what the zone would allow. So, 27 stipulates that you are allowed one dwelling unit per 40,000 square feet, and section 26, would then allow a 300% density bonus. Part of our reason to be here, before this board, for this public hearing, is clarification of whether that 300% density bonus, can be applied to the conversion of this structure, as stipulated in section 27, sub category D. And if the board interprets that that 300% density bonus can be granted, then the need to seek variance for the number of dwelling units would not be necessary for this application. If the board feels that only section D applies, then we would seek a variance for dwelling units, from what would be allowed, to ultimately 6, which is what the application had been applied for, for the past calendar year.

Jim Harrington: I'm confused. Section 26 allows for the 300%, and section 27 doesn't?

John Fuller: Section 27 has a definition that says that you are allowed one equivalent dwelling unit, per what the zone allows. So, in this case, 40,000 square feet, which is technically slightly less than an acre of land. But for argument purposes, I'll say that you're allowed one equivalent dwelling unit per acre. Then section 26 allows a 300% density bonus for multi-family development.

Jim Harrington: Which section are you looking to get in on?

John Fuller: Well, originally we made application under section 26, which allowed for the 300% density bonus. It was identified by the town engineer, Mr. Fusco, that we may have to comply with section 27, which is the reason why we are here before the board for interpretation.

Glen Plotsky: And John, just so I'm clear, and perhaps just to assist you. In the event that the board were to determine that section 26 F applies, that is the 300% bonus, so that would arguably allow the 6 units, are there not requirements, for getting, in exchange for getting the 300% density, which you would then need a variance from complying with, because you don't have either the proper lot size, or because of the slope, you don't comply. My recollection that there is a section that requires a public area, and that type of thing. And given the topography and layout of your particular lot, I don't believe that you provided for that, that you can't comply with that. So, if I'm not mistaken, you need an interpretation, and then, pretty much in

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either event, you need a variance. Right? Just for clarification for the board.

Christa Hoovler: And I'm curious, you mentioned 2 acres, and how much is actually usable, because it is a steep slope, and it is mostly frontage on the street?

John Fuller: The Ordinance is very specific about what is usable land. The parcel is actually 2.6 acres of land, which is slightly less than 2 ½ acres. When you factor out the most applicable deduction that we are required to have of a steep slope, which is 15% slope, once we factor that out, we still come out at 2 acres of land. So, in theory, we have 2 acres of land, which we can apply the density bonus to.

Jim Harrington: But you're going to have to cut off some here.

John Fuller: Yeah, that's all part of the calculation, yes.

Jim Harrington: That's part of the becoming 2 acres, or you're talking about 2 acres here.

John Fuller: No. If I may, I'll read from the Ordinance, because it's very specific.

Glen Plotsky: Could you just site the section John, because the minutes can reflect it?

John Fuller: Yes, it's under section 26, subsection F, it says the following... "multi-family dwelling density shall be granted 300% density bonus above the number of dwelling units per acre, which would be permitted within the district, if the parcel on which the units are to be constructed were to be developed for one family residential uses. Density shall be calculated by taking the total acreage of the development and deducting the following acreages. First, land contained within the public right-of-way..." None of the 2.46 acres is in the lands of the right-of-ways. "Number two, land contained within the right-of-ways existing or proposed private streets." That does not apply. "Number three, land contained within the boundaries of easements, previously granted to public utility corporations, providing public utility services." That does not apply. And finally, "All wetlands, floodplains, slopes of 15% or greater, or bodies of undeveloped areas shall be dividable for proposed units." So, in this case, there are no wetlands or undeveloped areas on this property, only applicable non-buildable slopes. So, as I've indicated in our application, if we take the deduction for the 15% slopes, we still exceed the acres of land. I've provided a supplemental letter, if I may, in support of the application. And in reference to Mr. Plotsky's discussion, it would be other elements in section 26. I think simply put, the Ordinance leads you to apply section 26 to any application for multi-family use, because that is the multi-family use section of the Ordinance. In that, if you apply 26, then the project would be granted the 300% density bonus, which is allowed, but we would have to comply with all other aspects of section 26, if we're going to do so. If I may, I'd like to pass this out. I'd just like to read through it briefly here, for the board members. "This letter is in support of the application before the Zoning Board and public hearing held this evening. The applicant is requesting determination as to whether or not this project shall be subject to provisions of section 26, multi-family residential uses, or section 27, conversion of residential or non-residential structures, or both. The Planning Board referred this project to the Zoning Board, stating that it is not in compliance with section 230-27A, stating that the conversion shall not result in the

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increase in residential density, exceeding that, which is permitted within the district. For example, the minimum lot size is 2 acres, but no more than 1 equivalent dwelling unit shall be permitted for 2 acres of lot area. In the case of this subject property, the minimum lot size for multi-family dwelling, in the HMU zone, is 40,000 square feet. The total area of the property is 107,083 square feet. Under the definition of density, in section 230-26, areas of slopes greater than 15%, and anymore must be the lot size. There is approximately 13,000 square feet of area with a slope greater than 15%, and body of approximately 1,000 square feet. The remaining lot area is 93.083 square feet, therefore, 2.33 equivalent dwelling units are allowed, based on that definition. The question regarding the term multi-family dwelling, section 230,6 F, states that multi-family dwelling density shall be granted at 300% density bonus above the number of dwelling units per acre. Applying this bonus to the number of allowed dwelling units, results in 6.99 dwelling units. This project is proposing 6 dwelling units. The argument is that an equivalent dwelling would be a new multi-family dwelling, if proposed, the density would be applied, and the 6 dwelling units would be allowed. The lot size using density calculation is defined in section 230-26, subsection 4, the density bonus is the same section that should be applied. Under section 230-26 subsection O, states that the conversion of motels, hotels or other existing structures to multi-family dwelling uses, regardless of whether such conversions involve structural alterations, shall be considered subdivisions, and would be subject to provisions of this Law. Therefore, the density bonus is applicable. If this project is subject to 230-26-O, then all of the provisions stated in this section must be met.” Which is what Mr. Plotsky is alluding to, as far as section 26. “Listed below are the applicable portions of section 230-26, and whether or not, the requirements have been met. First of all, sub-section F, multi-family dwelling density shall be granted 300% density bonus above the number of dwelling units per acre. As stated above, 6.99 dwelling units are allowed, 6 units are proposed. Under sub-category G, it says, all areas of multi-family development, not conveyed to the individual owners...” Which, I will just stop and state that this is strictly all under individual ownership, this is strictly an apartment building, there will be no ownership of the individual dwelling units. But it says... “individual owners, and not occupied by buildings and required proposed improvements shall remain as permanent open space, or re-dedicated to recreational area, to be used for the sole benefit and enjoyment of the particular units being proposed. No less than 50% of the tract shall be used for this purpose.” Okay, under that definition, the area to remain as permanent open space, that is the areas that are not occupied by buildings, or any other improvements, which would include parking, is approximately 92,000 square feet. That is greater than the 50% of the tract, which is 53,500, so we would comply with the 50% requirement for open space. A 4,800 square foot area of land is indicated on the plans to be cleared for recreational use by...but this does not mean that other areas of the property cannot be used for recreational use. 25% of the total tract, which is 26,770 square feet. There is at least 26,770 square feet of land that can be dedicated for recreational use, that does not include, wetlands, quarries, slopes over 15% or bodies in acreage used for improvements.” Our statement there is, that the Ordinance requires that 25% of the parcel to be used for recreational use. In consultation with the Planning Board, we identified a minimum of 4,800 square feet, of what would be called a cleared area for the residents use, like a lawn area, or where picnic tables, or things of the like, could be placed. But the balance of the area could be used for recreational purposes. Currently the lot is what I’ll call, lightly wooded. Under my next category...”The following design criteria shall apply to all multi-family developments. There shall be no more than 12 dwelling units in each multi-family buildings.” This does not apply, because we’re only

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proposing 6. “Number two, no structure shall be constructed within 50 feet of the edge of any access road, to or through the development, or within 10 feet of the edge of a parking area.” We previously had been granted area variances for the position of the building, as it currently, and has always stood, and so those area variances for front yard and side yard, had been granted, to satisfy number 2. “Number 3, access roads through the development,” there’s a long paragraph there, and there is no access road proposed on the property, other than the parking area, which has been delineated as part of the application. “Number 4, no multi-family development shall be served by more than one entrance and one exit from any public highway.” There is only one entrance and exit proposed from the parking area, proposed in this application. “Number 5, parking spaces of 2 per unit shall be provided for every 2 units intended for rental or other transient occupancy, one additional space to accommodate parking needs during sales and other peak visitation periods.” We have provided the minimum of 2 acres for each dwelling unit, as part of the proposed parking area. There is no proposed transient nature to this, they are intended to be permanent rentals. So, we have not asked for any additional parking space for a transient nature.

Jim Harrington: They have to park someplace.

Jane Lord: They have parking spaces for the people who are going to live there. It’s not like a store, where you have people coming and going.

Christa Hoovler: Is there not a minimum of 2, and additional for a visitor, then where are they going to be parking?

John Fuller: It’s for rental or transient nature.

Christa Hoovler: And this is a rental.

John Fuller: No, in part of where you have a dwelling unit, the 2 parking spaces per dwelling unit, factors in the transient nature of the residents. The idea of transient, at least my interpretation of what the Ordinance is saying, is that if there was a sales office on site, and the patrons were coming and going, that you would have additional parking spaces for those people.

Jane Lord: How many spaces are you going to have?

John Fuller: There’s 12 parking spaces for 6 units.

Jane Lord: Because it’s not a coming and going thing.

Christa Hoovler: And anyone who was visiting would be parking along the street.

Jane Lord: Or there may just be one car per apartment, and someone could park there.

Lee Cornell: Yeah, that would be desirable, in the event you have overflow, where would they park? Any idea?

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John Fuller: A lot of times in parking calculations and Ordinances, they factor in the various natures. And the 2 parking spaces per dwelling units, accommodates the fact that one apartment may only have one car, and one apartment may have 2 cars, and vice versa.

Jim Harrington: And one may have 3 cars.

John Fuller: And all of that is a factor. When Ordinances are developing parking calculations, for instance, it's more common, like with store fronts, calculations are factored in, that people are transient coming and going. I think the definition here, within the Ordinance, is asking for the rental or transient nature of hotels, or condo associations that are trying to sell out rental spaces or dwelling units. I don't think the nature of transients is just visitors just coming and going. I don't think that that is the definition of the Ordinance.

Jane Lord: Where exactly are you going to be putting these 12 parking spaces?

John Fuller: Right next to it.

Lee Cornell: Yeah, that was my question, the overflowing cars parling on the street, causing traffic accidents.

John Fuller: Agreed. The Planning Board made it very clear that they didn't want us to delineate parking in front of the building. Traditionally, those of us who remember when it was open, there was always parking on the street. And there is parking along Berme Road, although there's no delineation of no parking along Berme Road Main Street. So, I guess the simple answer is that there will be some parking in the right-of-way, as it was when it was a hotel many years ago.

Jim Harrington: The parking there, part of the square footage, is for the recreational also?

John Fuller: No, that's been factored out.

Christa Hoovler: I do have a question about the easements. You're saying that there's a total square foot of 107,000 feet. And 50% of that, which you say is 92,000 square feet, is for open space.

John Fuller: Well, there is permanent open space, and again, if you go by definition in the Ordinance, you have to factor out anything that has building or improvements. Improvements could be the parking area, and anything that has concrete, so the rest of it would be considered open space. Wooded areas, park areas, grass areas, that's the definitions.

Christa Hoovler: Okay, so 92,000 is open, or not? I'm just trying to understand.

John Fuller: What the Ordinance does, and you have to remember, that the Ordinance is trying to write a section that applies to all multi-family developments, not just this unique case. And so sometimes there are things in there which might apply to larger projects, rather than the nature of this one, in particular. For example, if you had a 10 acre multi-family development residential

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development. What the Ordinance is saying is that at least 50% of that has to remain open space, which means you can't have buildings or playgrounds or roadways or things of that nature, so that open spaces is just considered, by definition in the Ordinance, grass or wooded areas.

Jim Harrington: So, starting with 107, with those deductions, we're at 93....

Christa Hoovler: He's saying that he's taking out 92, which only leaves 45, which is...

Jim Harrington: But he has less than 25%, right?

John Fuller: No, what I'm saying is, is that the area that remains as open space, by definition of the Ordinance, is 92,000 square feet. The Ordinance requires that any tract or any parcel of land that has multi-family has to maintain at least 50%. So, the argument is that we are well over 50% that is required by the Ordinance. So, I'm demonstrating that a variance is not necessary.

Christa Hoovler: What I'm confused about, is if you're left with only 45,000, then you can only have.... Then it doesn't allow for 2.33 equivalent dwellings, because it doesn't have the required footage.

Glen Plotsky: He's not building new, maybe that is part of the confusion. The total size of the lot is 107 right? And then you have to take out the slope and the water, so that leaves you 93. So, if it's 40,000 per unit, that would allow for 2.

Christa Hoovler: Okay, but how is it 92,000 open space, if there's only 93. The math isn't adding up.

John Fuller: Well, there are two different things that we are defining. One section is asking you to define, by calculation, the allowable dwelling units per acre, which allows or accounts for the open space. So, what we're trying to demonstrate that 2.33 equivalent dwelling units are permitted, based on the fact, by definition in the Ordinance, you would subtract out water bodies and 15% slopes. It has nothing to do with open space. The calculation for equivalent dwelling units, does not apply to open space. In a different section, within section 26 of the Ordinance, you are required to maintain at least 50% open space, but that is unrelated to the calculation for dwelling units. It just a completely separate requirement in the Ordinance.

Glen Plotsky: John, what is the square footage approximately, of the building and the parking lot?

John Fuller: The total building coverage, is approximately 3%, so the 3% would be about a little over 3,000 square feet is the building. And the parking area, I apologize, I don't have it directly in front of me. But the building footprint again, is a little over 3,000 square feet, and the parking area, I'm going to guess here, is probably about 50 by 100, 120, or about 6,000 or 7,000 square feet. So, the total combined, is a little over 10,000 square feet.. And then there's some walkways and other things, which is how we get from the 107,000, down to the 92,000 square feet of open space.

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Lee Cornell: Another thing comes to me. Now those are the figures that I didn't have within that equation.

John Fuller: Again, just to review,, because I know that that is a point of clarification. In the Ordinance, section F allows the development to calculate the density. And in the density, you take the total acreage of the parcel, in this case the square footage, and then you deduct right-of-ways and easements of various natures, which don't apply here. And then finally you deduct any wetlands, floodplains, 15% slopes or water bodies, and that's how you come up with a net area, which you can then calculate the density on. In that area is the term open space, which is grasslands, woodlands, and things like that. But that is only purely a calculation for density. And then you jump down to section G, which has to do with other requirements of the development, unrelated to the density. In there it says no less than 50% of the open space to be provided, which is at least 25% of the total tract, shall be dedicated to at least recreational use. Now, I'm jumping down to the bottom of the paragraph, and it says " they shall be usable for active recreational area, and shall not include the terms, wetlands, quarries, slopes over 15%, grade, water bodies, or increased use for improvements and other storm drainage or sewage, which would be septic. So, basically what this is saying, that within your development, at least 50% of your property has to remain, quote unquote, open space. And 25% of that has to be actual recreational use.

Glen Plotsky: And while I can understand what you're saying about it being apples and oranges in the two different sections, the fact of the matter is, given the numbers that you propose, you start with 107 and you've got 93 that are potentially usable, when you take out the slopes and the water. And let's say 13,000 in square footage in the building and the parking, that still leaves the 80, which leaves 2 dwelling units. So, it's kind of, no matter how you do it, you end up back at those two dwelling units available. And then you have the separate criteria of how much of it is going to be open, and John is indicating 92,000.

John Fuller: Moving on, in number six, at the bottom of my page, it says... "No more than 60 parking spaces shall be provided in one lot." That's clearly not the case here. Since we're not anywhere near that.

Glen Plotsky: John, can I just interrupt, you were talking about the number of spaces, and Ms. Lord you raised a question. John, each of these units are going to be one bedroom. Correct?

John Fuller: That's correct.

Glen Plotsky: So, that may suggest that there will be either one or two adults, we don't know for sure, but it would probably limit the availability of there being more than 2 adults in any one apartment.

Jim Harrington: There would be no teenage children, I would think.

Glen Plotsky: You don't know for sure. I mean, you could always have a couple, you know, a husband and wife, and then their brother and sister-in-law show up, and now you're got three

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cars. But that would be the exception, rather than the rule. All right, number 7 John, moving on.

John Fuller: “Number 7, no structure shall be erected within a distance equal to its’ own higher and any other structure.” Part of the application, which I will just clarify. There is another structure currently on the property, and as part of that application that structure will be demolished and removed, so there will only be one structure on the property. “Number 8, all multi-family structures shall be a minimum of 100 feet from any of the exterior property or boundary lines, of the particular project involved, and 75 feet from any public right-of-way.” Again, as I’ve indicated before, this board had previously granted area variances that would satisfy that, specifically we were granted a side yard and a front yard setback variance. “Number 9, where a property line is not wooded, a planting strip of 50 feet in width shall be required to buffer adjoining property owners to insure privacy.” This is something we are going to have to seek a variance from because we do not comply with that currently. My proposal, if the board would grant a variance for that, is that we can do some type of screening on the adjoining residential lots, which could be a fence line or tree lines, and we could refer that for review by the Planning Board. Presently, that is a variance that we would need, because there is not enough room for 50 foot wide planting buffers. “Number 10, multi-family developments shall be subject to storm water management requirements of this law.” There’s actually already a catch basin on site, which is tied into the municipal storm drain, and so the storm water facilities are currently in place and satisfied. “Number 11, all electrical and other utilities shall be placed in the ground and buried to a depth, as determined by the town engineer, as sufficient for safety purposes.” All electric and other utilities are existing, and the only clarification needed here, is that it is overhead electric that is going to the building, and so in the strict definition of that, we need a possible variance for that.

Jim Harrington: Variance for what?

John Fuller: Well, it says that “all electrical and other utilities are to be placed underground.: Currently the building has an overhead electrical service, due to its’ nature. Within that definition, it’s saying that all of the utilities are to be underground.

Jim Harrington: Oh, you want a variance from having to put them all underground.

John Fuller: Yes, it’s a pre-existing condition.

Jim Harrington: Well, if you put a new system in, it would increase the amount, because that’s all old wiring and everything else. That building is nowhere near modern.

Lee Cornell: Probably inside, but what is coming to the pole, is probably fine up there, you just update what is inside the building.

John Fuller: Yes, the electrical service is provided by the utility company. I don’t disagree, that as part of the re-modeling or the re-developing of the building, that there might be a change in the electrical service with the utility company. If the board felt that that wasn’t a necessary variance, the applicant could look at going underground to the nearest utility pole. I don’t think that that is a big deal. But that would be a possible variance, under the strict definition of the

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Ordinance. So, in conclusion, it is my determination that the board find this project to the requirements of section 27, an interpretation is needed as to whether or not the density bonus in 26 is applicable, and if not, the variance for the number of dwelling units is required. If the board finds that the project is subject to section. 26, then a variance may be required for a 50 foot wide planting strip, and I have things that are noted. If the project is subject to both sections, then the variance will be needed for the number of dwelling units. I guess simply, if the board determines that section 27 is a strict interpretation, and you're only allowed one dwelling unit per allowable, in this district, and in this case, one dwelling unit per 40,000 square feet, then we would need a variance. I would ask the board to consider that the density bonus does apply, because you would have to apply both sections to the application. And with that, I would open it up for any questions that you might have about this.

Christa Hoovler: The other structure that is being demolished, what is that?

John Fuller: It's a small block, I'm not even sure what it was used for.... I wouldn't even call it a garage. But it's to the right, when you're facing the building from the street, it's to the right, It's approximately a small block structure, maybe 1,500 square feet.

Christa Hoovler: So, when you're looking at the structure, the one to the left will remain.

John Fuller: That's actually not even part of this property.

Christa Hoovler: So, you would need to fence on that side, and also on the side to the right.

John Fuller: Yes, so we would have to fence and/or have screening of some nature, and that would be my proposal in granting the variance, because the strict definition is that you have to maintain a 50 foot strip. Now clearly the Ordinance is written in a way to cover all projects, but it's not specific for small projects, but it's the only section of the Ordinance that we have to use for this development.

Lee Cornell: You understand, it's such an old building, it has been there for so long, that it is landlocked, with what you can do. Am I right?

John Fuller: Right.

Lee Cornell: Now, the building that is coming down, that is where the parking lot is going to go. Correct?

John Fuller: Correct.

Dan Witt: Are there any other questions for John? Okay, so can I get a motion to close the public hearing?

Jim Harrington: I'll make a motion to close the public hearing.

Richard Dilger: The building was originally as a small winter storage, and one of the owners of

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the Alexander, put that in as an afterthought. The motel that is there, was also a part of the same property. I'm here representing my mother-in-law who got the letter, who is an adjacent property owner. Due to the inclement weather, she's 87 years old, I'm more or less listening here.

Glen Plotsky: And what is your name and her name sir?

Richard Dilger: My name is Richard Dilger, and her name is Eleanor Rowles. Her family originally owned the Alexander Hotel in the 1940's.

Jim Harrington: Okay, I'll do it again. I make a motion to close the public hearing.

Jane Lord: I'll second.

Dan Witt: All in favor?

Christa Hoover: Aye.

Dan Witt: Aye.

Jim Harrington: Aye.

Jane Lord: Aye.

Lee Cornell: Aye.

Motion carried.

Public hearing closed at 8:15 p.m.

Respectfully submitted,

Barbara Brollier, secretary