The Deerpark Zoning Board of Appeals met for their monthly meeting on Thursday, December 19, 2013 at 7:30 p.m. at Deerpark Town Hall. The following were present:

ZBA Members

Gerald Cedrone, Chairman Martin Smith, Jr. Dan Witt Jim Harrington Jane Lord

OTHERS

Mr. Glen A. Plotsky, Town Attorney

Mr. John Fuller, Civil Engineer

THE PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES FOR NOVEMBER 21, 2013 MEETING

Smith made a motion to approve the minutes from the November 21, 2013 meeting. Lord

second. Roll call vote: Harrington, aye; Witt, aye; Smith, aye; Lord, aye; Cedrone, aye; Motion carried.

SSS REALTY LLC (ALEXANDER HOTEL) - INITIAL MEETING - #13-0707

Represented by John Fuller, Civil Engineer 856-1536

Owner/ Applicant SSS Realty LLC is seeking an area variance for property located at #6 Main St., Sparrowbush, N.Y.

It is in the HMU zone.

Section - Block - Lot = 47 -

3 - 4.2

Application received December 5, 2013

Applicant was referred by the Planning Board.

Mr. Fuller said that this applicant was before this board in May 2013, and was granted area variances in order for the existing Alexander Hotel to be renovated into apartments.. He said that the zoning at that time, Section 26 allowed for a 300% density bonus for multiple family structures. However, he said that the new zoning, and he referred to Section 230-27 (Conversion of Structures, Residential or Non-Residential) states "A conversion shall not result in an increased residential density, exceeding that which is permitted within the district.." He said that the HMU district, allows one dwelling unit per 40,000 square feet, which is slightly less than one acre. He said that his client was looking to put in 6 dwelling units, but now, with this new zoning, only 2 can be allowed. He said that that is why his client is before this board, to request a variance, so that 6 dwelling units can be created in the old hotel.

Mr. Plotsky asked Mr. Fuller that the area variance is based on the language, with regard to the conversion, and under that section, are there also requirements in terms of public space and water and sewer, and things like that, aren't those requirements set forth in that section as well?

Mr. Fuller answered not in Section 27, and said that there are conversion structures in Section 230-27 by categories. He said that one is that a special use is required, if it

needs to be secured for approval; the second one is adequate parking to accommodate the new use, has to be demonstrated; and the third is demonstration of sewage and water supply, and any capacity for increase in use; and the fourth is, conversion shall not result in increased residential density, exceeding that permitted within the district; and fifth, the conversion of any residential structure, to a non-residential use, shall not be permitted where the new use is not otherwise allowed. He said that number four above, is the section he is citing, in asking for a variance.

The board went over the application with Mr. Fuller:

First page of application:

"#3-Provisions of the Town of Deerpark Zoning Law from which applicant appeals."

John Fuller wrote "Section 230-27 -Conversions of residential or non-residential structure. Section 230-26-Multi-family residential uses."

The board deemed that the rest of the application was all in order.

MOTION

Lord made a motion to schedule a public hearing for Thursday, January 16, 2014 at 7:30 p.m. at Deerpark Town Hall. Smith second. Roll call vote: Harrington, aye; Witt, aye; Smith, aye; Lord, aye; Cedrone, aye; Motion carried.

ADJOURNMENT

Harrington made a motion to adjourn. Lord second. Roll call vote: Harrington, aye; Witt, aye; Smith, aye; Lord, aye; Cedrone, aye; Motion carried.

Meeting adjourned at 8:05 p.m.

Respectfully submitted,

Barbara Brollier, ZBA secretary