

SPR2022-03 (continued)

Ari Goldberg with Barclay Damon, LLP presented on behalf the applicant and presented the following regarding the three lots being presented for rezoning:

- ✓ The 3-lots are all on Grant Boulevard and zoned R-75; the rest of the subdivision is zoned R-50
- ✓ The zoning request aligns the entire subdivision into the R-50 zoning classification
- ✓ The subdivision is 150-lots on 34-acres; the portion needing to be rezoned is minimal at 3-lots and 1.34-acres
- ✓ If rezoning is successful, the 3-lots will be subdivided into 14-lots the same size as the surrounding lots in the subdivision at 35' x 135'
- ✓ Rezoning will allow for the townhouse style of development that will be replicated throughout the subdivision
- ✓ All necessary subdivision approvals will be obtained after successful rezoning

Mr. Sherman referred to the lots and stated the town code does not have any stipulations regarding the 35' lots; the minimum lot size 50'. Mr. Sherman stated it is his opinion that the size is non-conforming and will have to be addressed. Mr. Goldberg stated there was a previous discussion regarding the lot size and it is his understanding that variances were obtained. Mr. Goldberg believed this was an issue that would have come up during the subdivision process. Rezoning the existing lots with the current dimensions to R-50 would be compliant and Mr. Goldberg understands this will be addressed in the future. There is no problem delaying construction to obtain any variances that are needed.

Chairperson Bebak questioned if approvals have been obtained for the other lots. Mr. Goldberg stated the lots that are subdivided are all approved. The lots seeking rezoning do not have the 15' variances that are required.

Mr. Frick requested clarification on the building type and questioned if this is a building is a townhome with a common wall for the property line; in essence a 70' frontage with one building owner. Mr. Goldberg stated this was correct.

Mr. Sherman stated each side of the building is for sale; technically making two buildings. Mr. Sherman questioned the depth of the lot. Mr. Goldberg stated the depth is 153'. Mr. Sherman stated he believed the lot should be 8,000-sf minimum. 35' by 155' is 5,425-sf and not compliant. Mr. Goldberg stated the necessary area variances will be applied for.

Mr. McCabe questioned if the rezoning was approved, is this a site plan or variance issue; would this be part of a planned unit development. Code Enforcement Officer Jeffrey Schieber stated zoning is being addressed tonight. The application if approved would come back to the Planning Board as part of the subdivision process. Any variances required for lot sizes would be obtained before the Zoning Board of Appeals with a return to Planning Board for a final subdivision approval.

Mr. McCabe questioned if the process would be to move to the Zoning Board of Appeals and back to the Planning Board at which point the lot size would comply. Mr. Schieber stated if all the variances were granted and the zoning changed, the applicant would be before the Planning Board seeking final approval with all the other required approvals.

Chairperson Bebak questioned if there will be any common areas in the subdivision. Mr. Goldberg stated there will not be common areas.

SPR2022-03 (continued)

Motion by Bebak, seconded by McCabe, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

Motion by Bebak, seconded by McCabe, to recommend approval of a rezone for property located at Grant Boulevard (SBL Nos. 152.05-6-10.1, 152.05-6-14, 152.05-6-21.1), being part of Lot No.427, changing its classification from R-75 to R-50 for construction of townhouses.

Ayes: All

Noes: None

Motion Carried

OLD BUSINESS

SPR2022-03

A request from New York State Electric and Gas Corporation for site plan approval for property located at Indian Church Road just east of the intersection with Mineral Springs Road (SBL No's. 134.07-3-6 & 134.07-3-7) to upgrade electrical systems on site and replace outdated equipment and buildings.

Motion by Frick, seconded by McCabe, to table site plan approval for property located at Indian Church Road just east of the intersection with Mineral Springs Road (SBL No's. 134.07-3-6 & 134.07-3-7) to upgrade electrical systems on site and replace outdated equipment and buildings until the June meeting.

Ayes: All

Noes: None

Motion Carried

NEW BUSINESS

SPR2022-02

A request from Eugene Staychock for a rezone for property located at 301 Lein Road, being part of Lot No. 356, changing its classification from M-1 to R-90 for construction of a single-family home.

Motion by Clifford, seconded by Bebak, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

Mr. Clifford stated he is recusing himself from this item due to a friendship with the applicant.

Mr. McCabe stated he is recusing himself from this item due to a friendship with the applicant.

Mr. Clifford and Mr. McCabe left the presentation table.

Mr. Staychock stated he has owned the lot for many years. The lot is currently zoned M-1 and there is no intention to ever have manufacturing take place. The request is for a rezone to R-90 with the intent to sell the front portion of the lot for construction of a single-family home.

Code Enforcement Officer Jeffrey Schieber provided an illustration of the parcels. The parcel with the existing home is zoned R-90. The intent is to rezone the entire M-1 parcel to R-90. The applicant has a proposal to split

