

Chairperson Pam Knapp called the meeting to order at 7:08 PM. Members present were Mike Bagne, Pat Schmitt, Lou Villnova, Mike Kunzer and Robert Plant (alternate). Also present was Phil Williamson, Code Enforcement Officer, Donald Young, Town Attorney (Boylan Code LLP) and Suzi Mance, Zoning Board of Appeals liaison.

Lou Villnova made a motion, seconded by Patrick Schmitt to waive the reading of the legal notice. Motion carried.

Mike Bagne made a motion, seconded by Mike Kinzer to approve the minutes of May 4, 2015 as presented.

Roll Vote:	Mike Kunzer	Aye
	Lou Villnova	Aye
	Pam Knapp	Abstained
	Patrick Schmitt	Aye
	Mike Bagne	Aye

Motion carried.

- 1. Application of 3655 High Street, LLC, for an area variance requesting relief from minimum lot size per dwelling unit (Town Code Section §180-13(I)(3)) for a proposed three building senior housing development, with a total of 51 senior residential units to be located on a 2.06 acre site at 3655 High Street. Property is zoned: Hamlet. (Public Hearing).**

*(Patrick Schmitt recused himself from the public hearing because of previous comments that were made about the project. Bob Plant, alternate joined the others to complete the five member board.)*

Betsy Brugg, attorney for the developer was present, along with the Alex Tamoutselis, applicant Peter Morse, architect and John Shields, engineer. Betsy Brugg gave a presentation on the history of the project. The initial proposal was for a single 52 unit apartment building with a mix of units (1, 2 and 3 bedroom) geared toward but not specifically age restricted to senior housing. In response to comments from the Planning Board and public, changes have been made to make the project more compatible to the neighborhood. The revised proposal is to develop the property with a senior housing community restricted to ages 55 and over. Instead of one large apartment building, there will be three smaller scale, two story, residential-style buildings, with a total of 51 one bedroom units designed for seniors. The project will be a phased project. Buildings A (19 units) and B (12 units) will be built first. Building C (20 units) will be built after a certain level of occupancy (approximately 80%) is reached in the first two buildings. The applicant will record a restrictive deed covenant limiting the development to senior housing. This will be a quality project, with a rental office and community room for family gatherings and social events. There will be secure access, adequate parking and management with regular business hours. There will be no significant impact on water or sewer service. An onsite storm water detention facility will improve drainage.

Betsy Brugg explained that the proposed development meets a demand in the community for senior housing and will provide housing options for active seniors who want to remain in the community, but no longer want the responsibilities and cost associated with home ownership.

The proposal requires relief from Town Code Section 180-13(I)(3) which regulates density (minimum lot size per dwelling unit – 4,000 sq. ft. per dwelling unit under current zoning requirements) for multiple-family dwellings. Under current zoning, code would allow 26 units. Therefore, a variance is being requested to allow the construction of the 51 senior units. The actual footprint of the building will be less than the 52-unit single-story non-age restricted family development originally proposed. Betsy Brugg explained that it is necessary for the developer to construct 51 units to be economically viable and to achieve a return of investment of five years. The cost of new construction versus remodeling an existing structure was also discussed.

The Zoning Board asked questions of the developer and several factors were considered regarding the variance request.

John Shields, Engineer said that the project is located in the Hamlet District and multifamily residential dwellings are allowed, as well as suitable shopping and other service-oriented uses. This project is an approved use in the Hamlet District with Planning Board approval and the issuance of a special use permit. Mr. Shields commented that other permitted uses, such as medical and dental offices, and beauty shops could be considered less desirable and potentially have a more intense impact on the neighborhood.

The scale, mass and architecture of the proposed senior facility were designed to be compatible with the other residential homes in the neighborhood. The three separate buildings lend a residential feel that is in character with nearby homes. The exterior materials (mixture of wood composite, stone, etc.) will also be compatible. The traffic impact of the 55+ community will be less than if the apartments are non-age restricted with families.

The Zoning Board member agreed that the variance request should not produce any undesirable change in the character of the neighborhood or detriment to nearby properties. In fact, the proposed senior project will replace the rubble that currently exists on the site and would improve the appearance of the property. The general consensus was the project will offer quality senior housing and that considerable effort has been made to mitigate any potential negative impacts.

A SEQR review was conducted at the May 11, 2015 Planning Board meeting and negative declaration was declared.

Chairperson Knapp opened the public hearing.

There were no comments from the public.

Bob Plant made a motion, seconded by Mike Bagne to close the public hearing.

Motion carried.

Bob Plant moved adoption of the following resolution, seconded by Mike Kunzer:

With regard to Application of 3655 High Street, LLC for an area variance requesting relief from minimum lot size per dwelling unit (Town Code Section 180-13) for a proposed three building senior housing development, I move to approve such variance, as follows:

WHEREAS, a public hearing with regard to said application was duly advertised and held; and

WHEREAS, the Zoning Board of Appeals has taken into consideration the potential benefit to the applicant as weighed against the potential detriment to the health, safety and welfare of the neighborhood or community in relation to such variance; and

WHEREAS, the Zoning Board of Appeals has considered all relevant information, now, therefore, be it

RESOLVED, that the Zoning Board of Appeals makes the following findings of fact regarding the Variance:

1. The Variance will not have an undesirable Change to the Character of the Neighborhood or a detriment to nearby properties:

Reasons: would provide marked improvement to what currently exists and would blend with other two story buildings in the area.

2. The variance cannot be achieved by some other, feasible alternative

Reasons: Applicant stated they need the 51 units based on restricted market of 55 and older to be economically viable for the developer and to achieve a return of investment of 5 years. Also, 51 units are needed because of the investment necessary for new build construction vs. remodeling of existing structure.

3. The variance is substantial:

Reasons: it is 196% of zoning, but because of the restriction of the target market of 55+ this mitigates the substantiality of the variance requested. The footprint of the building would be smaller than originally proposed and the height remains code compliant.

4. The variance will not have a negative effect on the Physical or Environmental Conditions in the neighborhood:

Reasons: SEQR review approved by Lead Agency indicating no significant impact to environment based on project presented.

5. The difficulty resulting in the request for the variance is self-created:

Reason: Original zoning was known when the property was purchased.

The ZBA, after taking into consideration the above five factors, finds that:  
The benefit to the applicant does outweigh the detriment to the neighborhood or community.

The Zoning Board of Appeals finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: Deed restriction properly filed for the project to be a 55+ development.

Condition No. 2: Recommend the Planning Board consider phasing based on 80% occupancy.

AND, BE IT FURTHER RESOLVED, the based upon said finds, the Zoning Board of Appeals hereby determines that said variance is approved.

Roll Vote:	Chairperson Knapp	Aye
	Mike Kunzer	Aye
	Lou Villnova	Aye
	Mike Bagne	Aye
	Bob Plant	Aye

Motion carried.

Chairperson Knapp adjourned the meeting at 8:12 P.M.

Respectfully Submitted,

Gail Rutkowski, Zoning Board Clerk