

PART III – PROPOSED AMENDMENTS TO THE ZONING MAP

Item 1 – North River Road

Location: Northern River Road area. Lots are located on the east side of River Road (NYS Rt. 144) between Halter Lane and Anders Lane. Lots are bounded by River Road on the west and railroad tracks on the east.

Current Zoning: Heavy Industrial District (I)

Proposed Zoning: Rural Light Industrial District (RLI)

Issue Identified: Small lots in this area. Lots are too small for the types of uses allowed in the Heavy Industrial District.

Response: Most lots along this section of River Road measure less than an acre in area. None of the lots meet the existing minimum lot area requirement for the Heavy Industrial District. Lot depths are generally minimal (< 200 FT) and do not meet zoning requirements. In addition, many of the lots do not meet the lot width or frontage requirements of the zone. In comparison, the RLI District is less restrictive than the HI District in terms of minimum lot and bulk requirements: lot size (1 ac v. 5 ac.); front yard (50 ft v. 100 ft); hwy frontage (50 ft v. 150 ft); lot depth (150 ft v. 200 ft); lot width (50 ft v. 150 ft). A change in zoning would reduce the number of variances needed for development of some lots, but most lots would still need area variances for development to occur. For example, many lots would still need lot area and lot depth variances. Many lots are less than 1 acre in area and are less than 150 feet deep – both of which are the standard for the RLI District. On the other hand, when compared to the Heavy Industrial District, RLI zoning may provide a wider range of potential land uses that are conducive to the smaller lot sizes found in the area. Examples of such uses permitted in the RLI include retail and service businesses, convenience stores, professional offices, restaurants and residential uses. None of these are allowed in the Heavy Industrial zone. Fifteen lots are involved. The lots adjoin an existing RLI District, which is located across the street on the west side of River Road. The affected lots and area of proposed rezoning are shown on Map 1a. Current zoning in the area is shown on Map 1b.

Item 2 – Rt. 9W and Bender Lane

Location: Southwest corner of Bender Lane/Rt. 9W intersection.

Current Zoning: General Commercial District (C)

Proposed Zoning: Commercial Hamlet District (CH)

Issue Identified: Small lots located at SW corner of Bender and 9W. Given lot sizes and current setback requirements of the General Commercial Zone, these lots would be difficult to develop without substantial area variances

Response: The CH District is less restrictive than C District in terms of certain minimum lot and bulk requirements: lot size (10,000 sf v. 1 ac.); front yard (30 ft v. 100 ft); side yard (10 ft v. 40 ft.); lot depth (100 ft v. 150 ft); max lot coverage (65% v. 35%). CH zoning would reduce the number of area variances needed for all lots and allow more intense development of the lots. Depending on the specific project, however, some area variances may still be necessary. The only significant difference in permitted uses between the C and CH zones is that the CH district allows all residential use types. These uses are not permitted in the C District. Six lots are involved. Lots do not adjoin an existing CH District. The affected lots and area of proposed rezoning are shown on Map 2a. Current zoning in the area is shown on Map 2b.

Item 3 – River and Clapper Roads

Location: Lots are located on the west side of River Road (NYS Rt. 144) north of the intersection with Clapper Road.

Current Zoning: Mixed Economic Development District (MED)

Proposed Zoning: Rural District (R)

Issue Identified: Petition received from six property owners to rezone property on west side of Rt. 144, north of Clapper Road, from Mixed Economic Development to Rural District. Letter indicates that the request is to better reflect current land uses on these parcels.

Response: Current land use in the area is primarily single family residential, with some vacant land and agricultural use. Both uses are allowed in the MED zone. The Rural District permits a wider range of uses (including residential uses) than the MED District, and thus a wider range of options for near term future use and/or development of these properties. The properties are in close proximity to an existing Rural District, but are not contiguous. If rezoned, consideration should be given to incorporating additional intervening parcels between the existing Rural District and the properties requesting the zone change. A total of 12 lots are involved. The affected lots and area of proposed rezoning are shown on Map 3a. Current zoning in the area is shown on Map 3b. Maps 3c and 3d show the property owners from which the rezoning request originated. Copies of the letters requesting the zoning amendment are provided following the Map 3d and are labeled 3e.

Item 4 – River Road Lots

Location: Lots are located southwest of the intersection of River Road and Wemple Road.

Current Zoning: Mixed Economic Development District (MED)

Proposed Zoning: Rural Light Industrial District (RLI)

Issue Identified: Owners of three of the lots (721, 749 and 759 River Road) have requested that the Town reconsider zoning of the properties. Lots were made non-conforming by adoption of current zoning classification of the properties. Back portion of lots are constrained by DEC wetlands.

Response: According to assessment records, current land uses at 721, 749 and 759 River Road include a self-storage warehouse, autobody shop and warehouse. Prior to adoption of the current zoning map, the properties were zoned light industrial and all were permitted uses. All of these uses were made non-conforming by adoption of the current MED zoning classification of the site. Rezoning the properties to Rural Light Industrial would restore the permitted use status of the properties. The lots measure a combined 40.3 acres in area.

A change in zoning to RLI would also make the lots easier to develop from a procedural perspective. The change would eliminate the need for preparation of a development Master Plan for each lot (as currently required under the MED regulations) and would expand the range of uses allowed on the properties. Examples of new uses that would be allowed include: all residential use types, animal hospital, appliance repair, bottling, distribution center, warehouse, day camp, car wash, cold storage, contractor yard and storage, fabrication, farm equipment sales, food and grain processing, heavy equipment sales, kennel, manufacturing of merchandise from certain materials (such as cardboard, cement, cloth, leather, plastic wood, metals, etc.), mining, motor vehicle repair and sales, packaging facilities, trucking business, fuel delivery, self storage, wholesaling, et cetera.. Additionally, with elimination of the MED zone and its regulations regarding secondary uses, development of the following land uses would become more feasible: multifamily residential, business office, convenience store, day care, school, fitness club, hotel, inn, laundry, retail business, service business, et cetera. Examples of uses that would no longer be allowed include banks, conference center, office park, restaurant with drive thru, and shopping center. It should be noted that although a change of zoning to RLI would better reflect current use of the properties, the land uses that would be permitted under a change of zoning represent a departure from uses currently allowed in the MED zone, and as such are not consistent with the land use plan as reflected in the Town Comprehensive Plan and current Zoning Law.

Based on available mapping, the rear portion of 749 and 759 River Road appear to be constrained by wetlands. However, a change in zoning classification would not eliminate the development constraints associated with the wetland. The lot at 721 River Road does not appear to be wetland constrained.

If rezoned, consideration should be given to incorporating into the rezoning additional intervening parcels located between the existing Rural Light Industrial District on Wemple Road and the properties requesting the zone change. Six additional properties are involved. Three contain single family homes, two are vacant and one contains a two-family home. All of these uses are permitted in the RLI District.

The affected lots and area of proposed rezoning are shown on Map 4a. Current zoning in the area is shown on Map 4b. Maps 4c and 4d show the property owners from which the rezoning request originated. Copies of the letters requesting the zoning amendment are provided following Map 4d and are labeled 4e.
