

ZONING BOARD OF APPEALS
TOWN OF LLOYD
MINUTES
Thursday, March 11, 2021

CALL TO ORDER TIME: 7:00 PM

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS: GENERAL, NO SMOKING, LOCATION OF FIRE EXITS, ROOM CAPACITY IS 49, PURSUANT TO NYS FIRE SAFETY REGULATIONS. PLEASE TURN OFF ALL CELL PHONES.

Attendance: John Litts, Russ Gilmore, Paul Gargiulo, Bill Brown, and Alan Hartman

Old Business

Felice, Joseph 6 Hillside Place 88.69-2-4 Area Variance

Applicant is seeking a variance for right side-yard, front yard and coverage relief.

John asked where the right side-yard setback was measured from.

Stephen said the setback was measured from the property line.

John said that the measurement needed to be measured from the fence not the property line and that the requested variance would need to be from the fence.

Stephen said that the fence was only for screen the garbage cans, but can be removed or at least put the dimensions of it on map.

John asked if the drive would be paved with standard asphalt.

Stephen said it would be paved with asphalt, but it would be a new kind that is semi-permeable to allow water through.

Russ asked if the rock ledge would be removed.

Stephen replied that they are not proposing anything there, but to build the addition some would have to be removed as it currently abuts the existing house.

Russ asked what the total relief got lot coverage.

Dave 4.8% or 405 sq.ft.

John asked if the asphalt was included in calculations.

Stephen replied the asphalt was not included in the calculations.

John then asked if the compacted gravel is included in the total coverage.

Stephen said he thought that compacted gravel didn't have to be included in the calculations.

John said in the code book under definitions.

Paul read from the Code Book:

Lot Coverage: That percentage of the lot area covered by combined area of all buildings, structures, parking lots, and impervious surfaces on the lot.

Impervious Surface: Any roofed or other solid structure or material covering the ground through which water does not readily penetrate, including but not limited to concrete, oil and stone, tar or asphalt pavement, or compacted soil or gravel. A deck with spaced boards at least 1/8 inch apart,

a swimming pool surface and a patio with a permeable paving system shall not be considered impervious.

Stephen said based on this then the coverage count is still off and would fix it.

John suggested that a public hearing be set for next month, but would like the numbers all set up before voting.

John asked for a motion to set a public hearing for next month.

Motion was made by Bill and 2nd by Alan, all ayes, motion passed to set public hearing for next month.

Public Hearings

Costantino, Raymond. 136 Bellevue Road. 88.1-3-24.114. Area Variance

Applicant desires a two-lot subdivision. Both lots would need relief as they lack the required lot width for lots in the zone. Proposed lot #1 relief requested 45 feet; proposed lot #2 relief requested 59 feet. Required lot width in R-2 zone is 150 feet.

Public hearing continuation:

Joan Kelley- 5 Great View Lane would like to know legal basis that makes Raymond thinks he can sub-divide this parcel further.

John said its 1 lot and that it was never mentioned that he could.

Kelley questioned where the waterfront bluff overlay is, the maps are located in the town clerk office and the zoning office. According to the one in the zoning office the bluff overlay in the survey is too far down.

Patti said that the bluff overlay came from the older survey.

Dave mentioned that deciding where the bluff overlay is a function of the planning board.

Kelley mentioned that in the application it said that the sub-division fits the character of the neighborhood, but she thinks it should be kept as one lot as its fits the neighborhood better.

Mark asked if it could be achieved by creating one flag lot and one regular.

John said yes, but the board feels that the flag lot is a safety concern and also the positioning of the house isn't as ideal.

Mark asked about what the minimum required variance would be.

John said in both layouts the variance granted would be the same as the driveways would come out in the same spots.

Mark then asks does the board have to grant the variance?

John said the board gets to decide, but in this case its finite.

John asked for a motion to close the public hearing,

Russ made the motion, 2nd by Paul, all ayes, motion to close public hearing passed.

Paul then read the draft resolution (see attached)

Paul then re-read the balance test.

John asked for a motion to accept the resolution.

Paul made the motion, 2nd by Russ, all ayes, Motion moved to accept resolution.

All Space Storage, LLC 480 Route 299. 87.1-2-28 Area Variance

Applicant is looking to obtain an Area Variance for 50% lot coverage on a lot where 40% lot coverage is permitted.

Kelly Libolt mentioned that they supplied new maps showing what 40% coverage would be, which would require 2 of the 5 buildings to be removed.

John asked if it would be at 40% coverage or lower.

Kelly said that it would be at 40%.

Kelly said that currently the coverage is at 29%, for the full proposed project it would be at 48.4% coverage.

John asked if in the calculations if it took in account all paving, buildings, and walkways?

Kelly replied yes everything was included.

Alan asked so you are looking for 9% coverage variance?

Kelly said that it was originally 10%, but through slight modifications to the project they managed to reduce it to 9%.

John asked if 1 building was removed how much would that coverage variance be?

Kelly said removing 1 building would reduce it about 1-2%.

John addressed the public comment letter (see attached).

John said that most of the issues in the letter were for the planning board to address not the ZBA.

John asked for a motion to be made to close public hearing,

Russ made the motion, 2nd by Alan, all ayes, motion passed to close public hearing.

Kelly read the balancing test (see attached)

John for point 1 mentioned that changing it from 50% to 48% coverage was acceptable.

Alan asked for sq. ft. of the 8% coverage.

Kelly said that the 8% would be about 54,000 sq. ft.

John for point 2 brought up the public comment about lighting, but that it would be the planning board's job to address it.

Alan for point 3 said that he thinks it is a significant increase in sq.ft.

John for point 4 asked if the current stormwater plan would be enough.

Kelly said that they designed a swill and will also provide a new SWPPP that will address the new codes.

John asked for a draft resolution to be written for the next meeting.

Leprechaun Ventures 436 Upper North Road. 80.3-1-29.100 Area Variance

Applicant is seeking an Area Variance to construct a 2,400 sq. ft. warehouse. Applicant is seeking relief of 15 feet for a rear yard setback and relief of 11,108 feet for lot size.

Russ mentioned that he cannot see how such a small narrow lot can handle a warehouse. There are lots of concerns with runoff, drainage, etc.

John said its zoned LI, so a warehouse could be built there. Asked how long has it been zoned LI?

Dave said since 1972.

John said its an allowed use for the zone.

Alan mentioned that the size of the structure could be an issue for the lot.

Public Hearing:

Roger Benson of 413 Upper North Rd. mentioned that the 11,000 sq.ft. building sounded like the entire size of the lot.

Charles mentioned that they are seeking relief as the lot is smaller than 1 acre, which is required to build in the LI zone.

John mentioned that the variance is for lot size not lot coverage.

Roger is concerned that the 60% slope is on this lot and would be disturbed.

Charles said that most of the steep slope is owned by the state and not on this lot.

Ms. Benson asked about traffic, she believes this area is residential.

John said that traffic isn't really for this board. Also said that it is zoned for a warehouse.

Ms. Benson asked what is the warehouse for?

Charles said it's a personal warehouse for construction materials.

Roger mentioned how poorly maintained Upper North Rd is and also wanted to know how many times 18 wheelers would be travelling on the road.

John said that he recalled Charles mentioned that there would occasionally be 40' trucks.

Charles said that there would be straight trucks no combination trucks (that he knows of), maybe delivery trucks like the ones from Lowe's and that they have extended the parking area so a truck can turn around instead of having to back up on to Upper North Rd.

John also mentioned that traffic is more of a planning board issue than a ZBA one.

Roger asked about the impact on the brook (stream) south of the site.

John mentioned that it would be included in the SWPPP.

Mark Reynolds asked how the 11,108ft of relief needed was determined.

John mentioned that it was the difference between what's needed and what the applicant actually has.

John asked for a motion to close the public hearing.

Alan made the motion, 2nd by Russ, all ayes motion made to close public hearing.

Balancing Test was read (see attached)

Alan for point 1 asked do we have a feel for where the building will be?

John mentioned that it was marked on the plans.

Alan for point 2 mentioned that he doesn't have a real feeling for the impact of this project on the community.

Alan for point 3 mentioned that the warehouse at 48'x 50' would like to note the % that its 25% of what's allowed, significant but it was existing in the past.

Alan also asked what the height of the building was?

John mentioned in that zone they are allowed to go up to 45' without needing a variance.

Charles said its less than 45', it will be 1.5 stories high, or about 20'.

John asked for a draft resolution be written for next meeting.

Giammarco, Ronald 42 Perkinsville Road. 95.2-3-9 Area Variance

Applicant is seeking a variance for a right side-yard relief of 3 feet 11 inches to construct a garage with an above living space.

Paul asked what the living space above the garage would be.

Ron Giammaro replied that there wouldn't be living space in the garage, but wanted to make a mud room entrance for the apartment instead of entering into it directly and also needs a stairwell to access the upstairs.

John asked if they still require the same variance with these new changes.

Ron said yes.

Paul asked about the living space on the 2nd floor of the garage.

Ron said that it would be a family room (living room) for his daughter.

Public hearing:

No comments

John asked for a motion to close public hearing.

Russ made the motion, 2nd by Bill, all ayes, motion carried to close public hearing.

Alan asked what the space was between the addition and lot line.

John said it needs a variance of 3'11".

John mentioned that he doesn't feel it will impact character of the community or neighbor's properties.

Paul feels that the variance is significant.

John doesn't feel that it is.

Paul asked if the board felt there would be any negative environmental impacts.

Russ feels that there won't be any.

Paul asked if this was self-created.

Russ said yes.

John asked for a draft resolution be written for next meeting.

Administrative:

Minutes to approve:

February 11, 2021

John asked for a motion to accept the minutes as amended.

Russ made the motion, 2nd by Bill, all ayes, carries as amended.