

ZONING BOARD OF APPEALS
TOWN OF LLOYD
MINUTES
Thursday, May 13, 2021

CALL TO ORDER TIME: 7:05 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: Paul Gargiulo, Russ Gilmore, Alan Hartman, Shawn Zerafa, Mike Guerriero (town board)

New Business

Reid, Michael 16 Blue Point Road, 96.3-1-4.170, Area Variance

Applicant is looking to obtain an area variance to install a pool in the front/side yard.

Paul G. said it looks like you have a flag lot.

Michael Reid (applicant) said its pretty much a flag lot, the flag portion is quite wide.

Paul G. said, so where it says 4.67 acres is where you want to put the pool?

Michael said yes. He also said the area of the box is about 40' by 60'. The shaded area is the existing driveway, so it's going to match the dimensions of the driveway.

Paul G. asked what is the road on the left?

Michael replied that it is a private driveway, it is paved and owned by 2 people.

Russ asked what is the topography of the area? He also said that he seems that if he remembers right that the private drive goes along the ridge line of that hill and you would be on the downslope is that correct?

Michael replies that is correct. The private road is at the top of the hill, then the slope pretty much follows his rear property line down and the grade behind his house is about 1 foot down for 5 feet across.

Russ asked if the Edward and Dorothy Babiarz house would be the brick house?

Michael yes, it's brown brick. He also mentioned that there is a row of tall 30' arborvitae that actually divide their properties.

Paul G. asked if Alan had anything to say.

Alan said that if you're looking at Blue Point Rd. it looks like it's already in the backyard of the other house.

Paul G. asked if there were any comments from anyone else?

Russ said well it's an unusual lot compared to some of the other ones that the board has gotten requests like this for, it seems to him that its remote, its back off the street, it is behind another house as Alan pointed out, so it's not going to infringe the neighborhood' view or anything.

Paul said it looks like he's almost 250' off the other road anyway.

Russ said at this point he doesn't see any "problems" with that location.
Michael said that he welcomes site visits, sometimes being there in person really tells a story, you cannot even see his house from the road except for the roof.
Paul G. asked where does that powerline go up through, before you or after you?
Michael replied there are 4 colonials in a row there and the power line is just after the last new colonial.
Paul G. said he would like to make a motion to put in on the agenda for next month, 2nd by Russ.
He asked if Shawn had anything to say.
Shawn said it does look like that the pool is in the backyard of what is that the Hollifield's house that's in front of it?
Michael said no its Dottie Babiarz house.
Shawn said it doesn't seem to be in the way and you cannot even see it from the road.
Paul G. said that he had made a motion to put it on the June agenda.
Vote was then taken all ayes. Motion passed.
Paul G. asked Paul V. if he could write up a draft resolution for next month.

Old Business

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.

Dave said that they were waiting for Ulster County Planning Board comments which have been received. He also mentioned that Paul V. has prepared draft resolutions, one for the declaration and the other for approval, but before that can be done an EAF has to be done.

Paul V. asked if the public hearing was closed.

Paul G. said yes.

Dave went through the short EAF.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?

Russ asked Paul V. if he could define what material conflict means in this case?

Paul V. replied it would be something significant enough to be an issue that indicates an inconsistency with the land use plan.

Russ said okay for example the county made a comment where they were very concerned about the turnaround effect on this property. Is that the same?

Paul V. said no that's the other project.

Dave replied no you're thinking about Leprechaun.

Russ said okay.

Paul V. said the county for this one they felt that there was no county impact and this is a matter of local concern.

Russ said that it was his error and is sorry, he was reading ahead for the next one.

Paul V. mentioned that as far as they are concerned this project fits with the comprehensive plan.

Russ said for this question it would be a small impact the proposal was reduced in size from the original scope and believes that they talked about landscaping and doesn't see there being any impact.

Paul G. agrees with Russ.

2. Will the proposed action result in a change in the use or intensity of use of land?

Paul G. said small.

3. Will the proposed action impair the character or quality of the existing community?

Paul G. said none.

Russ agrees with Paul G.

4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

Dave said that there are none in the town.

Board said no.

5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?

Board said no.

6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

Paul G. and Russ said no.

7. Will the proposed action impact existing: a. public/private water supplies? b. public/private wastewater treatment utilities?

Paul G. and Russ said no.

8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?

Paul G. said no.

9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?

Paul G. said no.

10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?

Paul G. and Russ said no.

Russ also said that it was already mitigated.

11. Will the proposed action create a hazard to environmental resources or human health?

Paul G. and Russ said no.

The board agrees that there will be no significant environmental impacts.

Paul V. said that they have prepared a resolution to that effect that basically determines that there would not be any significant environmental impacts. He also said that he could read it if that was okay with the board and then a motion could be made to accept it.

Paul G. said to go ahead and read it.

Paul V. read the resolution.

Paul G. made the motion to accept the resolution, 2nd by Russ.

Vote was taken all ayes, motion passed.

Paul V. said if the board was ready there has been a draft resolution prepared for the approval of the requested variances. He then read the resolution.

Russ made the motion, 2nd by Paul G.

Vote was taken all ayes, motion to accept resolution passed.

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.

Dave said just some clarification for the board it is his opinion that the lot does not need an area variance for lot size as the lot is a pre-existing lot of record. The code allows a lot of record to exist and continue to exist. In his opinion the bulk table for lot size is misused when looking for subdivisions, if for example the applicant wanted to reduce the size of the lot, he would not be allowed to based on the required minimum of lot size. That is not what he is asking for here, in his opinion he doesn't need that extra piece, all he needs is that rear yard relief.

Russ said that only thing he'll say to that is in the county review they talked about the narrowness of the property and a concern that there would be backing and pulling onto 2 main roads. He said that he weighs that heavily when the county says their concern, he thinks they need to pay attention.

Charles (Applicant's agent) said that there will be no backing onto 9W because of the elevation of the property. 9W is far below the elevation of this property, so it would be impossible to back up onto 9W from this lot. The way they have configured the turnaround they don't anticipate any large trucks, it was designed so that the trucks could pull in and turn to the north and then back into the dock, then go out straight onto Upper North Rd. There would be no semi-trailers or anything like that coming and going in and out of this property, it will be all standard box trucks or smaller trucks.

Russ asked if there would be driveways of any sort going out towards 9W?

Charles replied there can't be, you couldn't get to 9W from this property because of the elevation. The property is just inside the town of Lloyd near that space you can turn around to go south on 9W, there is access to that from the northbound lane. Its about the same height as Moriello's law office, you would never be able to get to 9W, you would go over a cliff.

Russ said alright as long as we all understand what's happening.

Paul G. asked the backyard would be facing 9W?

Charles replied that the backyard is between the building and 9W yes.

Paul G. asked that is where you want the relief?

Charles replies yes.

Paul G. asked Dave what is the requirement for that zone?

Dave responded that he wants to say its 30'.

Charles said its 30 or 35 feet.

Dave said its 35' and he needs 15'.

Paul G. asked so he's going to have 20' before 9W?

Charles replied it will be 20' inside the property line.

Dave said as before Paul if the board is ready, they have to go through part 2 of the SEAF, which he will read again and they have also prepared some resolutions.

Paul G. asked the other board members if they had any questions.

Alan asked wasn't there a change to the docking arrangement from what it was originally presented to the board?

Paul G. said he doesn't know, but it looks good to him.

Dave asked Charles there was no change was there?

Charles replied no, there was always going to be an overhead door with a loading dock there, right from there. It might have been off to the side, but he centered it more on the building. It can be placed anywhere.

Paul G. asked Dave to go through part 2 of the SEAF.

Dave went through the SEAF.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?

Paul G. said no.

2. Will the proposed action result in a change in the use or intensity of use of land?

Paul G. said no it will be a very small impact.

3. Will the proposed action impair the character or quality of the existing community?

Russ and Paul G. said no.

Alan mentioned that it might reduce the noise level if they put the building there.

4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

Dave said there are none in the town, so the answer will be no.

5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?

Russ and Paul G. said no.

6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

Paul G and Russ said no.

7. Will the proposed action impact existing: a. public/private water supplies? b. public/private wastewater treatment utilities?

Board said no.

8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?

Board said no.

9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?

Paul G. and Russ said no.

10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?

Paul G. said no.

Russ asked the stream that runs across the property south will that be impacted at all, will anything happen near that?

Charles replied no they have no intention to go that far south.

Russ said he thought so, he just wanted to make sure that it was on the record.

11. Will the proposed action create a hazard to environmental resources or human health?

Russ said no.

Board agrees that there will be no significant environmental impacts.

Paul V. read the resolution.

Paul G. made the motion to accept the resolution, 2nd by Russ.

Vote was taken all ayes, motion passed to accept the resolution.

Paul V. mentioned that they drew up an approval resolution for this project. He then read the resolution.

Paul G. made the motion, 2nd by Alan.

All ayes, motion passed to accept the resolution.

Charles asked what their next steps will be.

Dave said that they will have to go to planning board next.

Charles asked so we will have to go before the planning board?

Dave said yes because it's a new commercial structure.

Charles said okay he anticipated that. He will prepare all the paperwork for the application.

Public Hearings

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

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

Paul G. asked if there was anyone from the public who wished to speak on this project?

No public comments.

Paul G. made a motion to close the public hearing, 2nd by Russ.

Dave said he prepared a letter, that was sent around as the board asked, detailing what was required and what the applicant has supplied. The board at the last meeting said if the building department was satisfied with what has been supplied then a letter was to be drafted and sent to the board. He is satisfied that the applicant has answered all the questions the board had about the setbacks to the deck, rear yard to the north side where the door was, the new addition off the back and has also satisfied for coverage for both lot and building. They have prepared a resolution.

Paul V. said that he could go over the resolution in more detail if the board would like.

Russ asked Paul if the public hearing was closed.

Paul G. and Dave said the board just did.

Russ said that he heard a motion and a 2nd but that's as far as it went.

Paul G. asked for a vote.

All ayes, motion passed to close the public hearing.

Paul V. said that the board has a draft resolution and because it involves a single-family dwelling, the variances are for different setbacks and lot coverage it does not require any further SEQRA review, the board doesn't have to go through part 2 for this one.

Paul V. went through the resolution with the board.

Paul V. asked if the board went through the balancing test.

Dave said he doesn't think they have.

Alan asked if the map could be shown.

Map was shown.

Dave asked if there were any questions on the map?

Russ said that he feels they have gone over it enough and everything the board asked for is there.

Dave said that some of the questions the board asked about the raised deck the rough map had 31'2" and Steven (applicant's agent) incorrectly put the 29'9" on it. The other side of the building with the fence and the cellar door are aligned now as per the board request, there is a 5' relief requested on that side. The building addition in the back 12'1", the rear yard setback of 24'3". He also said that the letter spelled out what all the pieces that are required for this addition.

Russ said okay, the plan looks good to me as he recalls.

Paul G. said let's go to the balancing test.

Paul V. went through the balancing test.

Will granting the variances for the project will not produce an undesirable change in character in the neighborhood or detrimental to the neighbors?

Russ said he agrees.

Paul G. agrees as well.

The benefit sought by the applicant from the project cannot be achieved by any other feasible needs without the requested variances?

Paul V. mentioned that the benefits would include the increased size of the structure, more space and the different improvements that they are proposing.

Russ agrees.

Paul G. agrees.

The requested variances are not substantial?

Paul G. said they are not substantial.

Russ said no.

Paul G. said there are a lot of them, but not substantial.

Paul V. said you can look at them all together, but you can also look at them individually.

Will granting the requested variances have adverse physical or environmental conditions to the neighborhood or district?

Paul G. said no, the building itself is an approved use.

Russ said yes there is no impact.

The applicants need for the requested variances is self-created difficulty because the regulations exist and they are wanting to do something that requires a variance.

Russ asked Paul if there has ever been a case where it hasn't been the applicants fault?

Paul V. said you run into that where there is a change of law and that the property has been owned by someone for a long time and the law changes. He then said based on the assessment of the variance's factors, the balancing test demonstrates that the detriment of the health, safety and welfare of the neighborhood and community arising from granting the requested variances is outweighed by the benefits to the applicant of such a grant of those variances.

Russ said he agrees.

Paul V. read the resolution.

Russ made the motion, 2nd by Paul G.

Vote was taken all ayes, motion passed to accept the resolution.

Stewart's Shops- 3733 Route 9W. 96.9-1-33.100. Sign height and lot coverage variance.

Applicant is seeking a variance of 1 foot, 8 inches for sign height. Applicant is also seeking relief of 23% for lot coverage.

Paul G. asked Dave what the normal lot coverage of this site would be?

Dave replied the maximum allowed is 40%.

Paul then asked they want 23?

Dave replied they want 63. They need 23.3% relief.

Russ asked if he recalls there are other structures involved in this, correct? Is it more than 1 parcel?

Dave replied that there are 3 parcels involved.

Russ said so they can add all of them together to come up with the normal percentage of coverage.

Dave said they have done that.

Russ said so what they are asking for is all three of them.

Dave replied yes, they have done that math already.

Russ said that he believes he pointed out at the last meeting that a substantial part of that property is already covered.

Dave replied that is correct.

Paul G. asked if there was anyone from the public?

Mark (reporter) asked in terms of lot coverage would this be considered a self-created hardship?

Paul G. said not really, when the property is almost 70% covered with blacktop and buildings, so he believes that they are going to put more grass back than it was blacktop. He feels it will be an improvement.

Paul V. mentioned that the board hasn't gone through the variance test yet, this is a public hearing, so the board is here to accept public comment and it's not a question-and-answer session.

James Horan (lawyer for Chapel Hill Mart) said that he submitted a letter in opposition to the granting of the variances. He asked Dave if the letter was received?

Dave replied yes, it was entered into the record and sent around to the board.

James said can a copy be sent to the applicant as well.

Dave replied that they will do so.

James said with respect to the points that were made in the letter he will keep it short. With respect to lot coverage as he understands from the site plan that it not only includes the car dealership, but also 2 adjacent single-family homes and to that point he feels that the public hearing notice is misleading and that it only lists the parcel with the used car dealership on it, but the other 2 are included as well as part of the application and they are noted on the variance form, so there may be people who (connection was braking up). He said to move on to the next person and he will come back.

Dave said what he suggests the board does because they just got the letter and there hasn't been time to look it over, Paul V. just saw it for the 1st time tonight maybe the best thing the board can do would be to take the letter and any other public comment tonight and then move the public hearing to next month, to give time to review the letter.

Paul G. said that is an excellent idea to give Paul V. time to see what the conflict is. Is there anyone else in the public that wants to speak?

Kenneth Newton (Resident-84 Mayer Dr.) He said from his yard he looks south-east directly to where the auto place is now. He has no real objection to this project; his concerns lay with the traffic that exists for the residents of Mayer. He brought this up to the planning board regarding the other project The Views, with 18 months of projected construction on The Views project all of their construction traffic will be entering and exiting on 9W and when they are exiting they will be coming down that slip ramp, probably to make a left to get back to 9W, which is where the Stewart's is going, so it's a compounding of the same problem for the people of the neighborhood trying to get out or get in, so he's just wondering if there are any thoughts on trying to alleviate any of that in the future. Not an objection, just an observation of the traffic in the area.

Paul G. said that they will send that to the planning board as traffic is their issue.

Paul V. mentioned that the board has received comments from the county that asked the applicant for more information on how they plan on controlling stormwater runoff. He also asked if Tyler (applicant) could provide the information to the board?

Tyler replied if the building could forward the county comments to him then he will look it over. He also mentioned that he had received James' letter from the building department late that evening. He will take a look at it and review it and will address some comments. In terms of stormwater, they will look into it in greater detail.

Paul G. said that all parties involved need more time, so he would like to keep the public hearing open and postpone this meeting until next month. That's his motion and he need a 2nd.

Alan 2nd.

Vote was taken all ayes motion passed to keep public hearing open.

Administrative:

Minutes to approve:

April 8, 2021

Tabled until next month.