

**ZONING BOARD OF APPEALS**  
**TOWN OF LLOYD**  
**MINUTES**  
**Thursday, June 10, 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.**

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Attendance: Board Members: John Litts, Paul Gargiulo, William Brown, Alan Hartman, Russell Gilmore, Jessica Van Houten. Board Staff: Dave Barton, Paul Van Cott, Sarah Van Nostrand

**New Business**

**Old Business**

**Public Hearings**

**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.

Tyler Fronte (applicant) He said the first variance is for sign height the standard sign height is 15 feet the applicant reviewed the code prior to make it as code compliant as possible, they reduced it to 7 feet and made it a monument sign. The form showing the prototype was submitted to the board, for last month's meeting. He asked if the board had any questions about the sign?

John Litts asked if anyone has done a study if the sign is going to impede sight distance coming out of Chapel Hill Rd.

Tyler mentioned that part of the traffic study that was done for the Planning Board, they took in and reviewed all the sight distances and there was no issue at the location.

John said very good, he asked the board if anyone else had any concerns about the sign.

Alan Hartman asked if the sign is going to do the job?

John said so, you mean is the sign significant enough?

Alan replied that there have been problems in the past with signs where they were below grade level or they added 2 feet and ended up the same height as the street signs. Will this particular height work for this project?

Tyler replied that the sign height will work for them.

Paul G. asked if they could go over the numbers for the sign again? He heard that the normal sign height is 15 feet and you are going down to 7 what?

Tyler replied 7 feet 10 inches.

Dave mentioned that the maximum sign height in the zone is 6 feet.

John said then there is a discrepancy on the sign height, if the applicant wants to go 7 foot 10 inches and they are asking for 1 foot 8 inches, so the numbers don't match. If you are 6 feet and you want to go 7 feet 10 inches.

Tyler said that is correct 7, 10.

John said that the applicant would have to amend that.

Tyler replied okay.

John asked if there was anything else for the sign?

Bill Brown mentioned that will this sign height set a precedent for the rest?

John said he doesn't feel it will set a precedent as each case is viewed individually, he doesn't take that into consideration for this each one is viewed as its own separate entity.

Bill asked has the town established a maximum height?

John replied the town has its 6 feet and Stewart's shop wants a 1 foot 10-inch variance because they want to go 7 foot 10. They want to go higher because they feel at 6 feet the travelling public won't be able to view the sign.

Bill said he understands, but would like to know what will happen down the road some else is going to come in and wants to go 8 feet because of surrounding areas.

John replied that the board would look at that when it's in front of them.

Bill said the board went through this with the car wash, so everyone is individual, so there is no precedent, take them as they come, view them as proposed.

Alan said that he would like to note the Sunoco sign up the road has got 2 signs one is for gas the other is for diesel the center of the diesel sign is 8 feet off the base.

John said that its pre-existing.

Alan said this is the situation up the road.

Paul G. said you are saying this as the characteristic of the neighborhood.

John asked if there was anyone else?

No more board comments.

John then said before putting that out to the public that the board will go over the 2<sup>nd</sup> part of the applicant's variance request because he is sure there are some people who would like to speak.

Tyler said, so the 2<sup>nd</sup> part is for lot coverage, they are 23% above the allowed lot coverage which is 40% in the Highway Business District. That being said they took some comments from the board as well as the letter from Mr. Horan, they went back and did make some modifications to the plans. The first item is they removed parking space 17 on the south side on Route 9W and then the other modification is where the gas tanks are that distance was 38 feet from the edge of the canopy to edge of pavement, they reduced that to 35 feet, they had turning radius done, they took into account what the fire department and fire chief needed for turning radius for his vehicles and they all meet the turning radius.

John asked if the area near the dumpster was asphalt?

Tyler replied that is correct.

John asked is there way to reduce the lot coverage, is there any way to explore in that area and perhaps in another area doing some sort of impervious like a concrete pass-through gravel. He knows why they don't want it near the gas pumps, but in that area, it may bring the lot coverage down and still perform the same function because its not for the travelling public, you don't have to worry about people walking on uneven surface, perhaps something like that could be explored to get the lot coverage down to be more compliant.

Tyler mentioned that they have reviewed that comment from the county and the reason they don't do that is because they are considered a "hotspot" due to the gas the other issue is that permeable surfaces you cannot salt the lots because it clogs the pores.

John said okay, but again that particular area he doesn't know what the distance is that they would be considered a "hotspot" or out of that "hotspot" zone and that area where the dumpsters are is not for the travelling public it is only for employees or garbage trucks, so it's not an area that they would have to regularly salt as often or as much as where people are going to walk. He is just looking for alternatives to reduce the lot coverage. He feels that is something the applicant should explore, if there is an alternative, if there is not then it's been explored and it won't work. He understands if you are close to the gas pumps where there a possibility of a spill you don't want permeable surfaces, but that area he doesn't know if it would be an issue and he's not familiar with the distance between the gas pumps and where you could use a system like that. Tyler said that they would look into it and get back to the board.

Jessica said the applicant mentioned that they took out space 17, what was it replaced with?

Tyler replied green space.

Jessica then asked that's not enough?

Tyler replied no.

John said in doing so, did you move the curb line further to the north, to gain green space there as well?

The updated maps were looked at.

John asked if the applicant had updated calculations?

Tyler said that they were able to reduce it from 63% down to 61%.

John said the function of the board is to give the minimum amount of relief, so anything they can do to reduce it, even 2%, its 2 more percent, so if other options can be explored, then if you guys on your own can explore some options to reduce lot coverage it can help. He asked if there were any other questions for the applicant?

\*Unable to hear to question as microphone was not talked into\*

Tyler replied that the tanks they install are double fiberglass tanks, with a monitoring system and there is also an emergency gas shut off on the building.

\*Unable to hear as microphone was not talked into\*

Tyler replied that Stewart's has an in-house geologist and environmental team who regulates their sites every day.

\*Unable to hear as microphone was not talked into\*

Tyler said that the team checks the tanks monthly.

\*Unable to hear as microphone was not talked into\*

Tyler asked the wells in terms of?

\*Unable to hear as microphone was not talked into\*

Tyler replied that there is public water and sewer, so there are no private wells nearby. There are three existing on the property today, but again the tanks are double fiberglass walls and there is a monitoring system, so the technology now is way different from when they were steel tanks, just in the ground.

\*Unable to hear as microphone was not talked into\*

Paul G. asked if Tyler could supply the actual numbers in square feet that the 23% coverage is.

Dave replied that it is on the map.

\*Unable to hear as microphone was not talked into\*

Question arose about traffic.

Tyler replied that that's for the Planning Board, they did submit a traffic study. They had a meeting with the county, the town and NYS DOT and their access configuration are all okay.

\*Unable to hear as microphone was not talked into\*

Tyler said that the traffic professionals are aware.

John asked if there was anyone from the public who wished to speak.

James (lawyer for Chapel Hill Mart) said that he submitted a letter to the board about a couple of issues with respect to the application. When it comes to the variance for lot coverage, this isn't really different per say than other sites, in higher businesses, the applicant is saying that they cannot live with the 40% and they would like something more. He feels that the applicant hasn't given the board a good reason as to why they need something that large. He said that the board's job is to look at applicants and the needs that they have, what's the benefit to the applicant versus the detriment to the community as a whole, he knows that the applicant would like to have a gas station and a Stewart's shop and wants the board to give them a variance for 63% lot coverage, but it is not legally sustainable, that is not the way the laws work. One of the questions is really here is that this is two uses, you have a gas station and a shop, you are not looking at a small gas station with a little convenience store where someone can go in and get something it is a Stewart's shop. He doesn't know if it is the standard size or not that's almost 4,000 square feet. John mentioned that he believes at a previous meeting that Tyler had said that it is smaller than the standard size.

James said that if you look at the site a very large portion of it is the impervious coverage. He works with developers and they always ask for max and then come down from there. With respect to this site, he doesn't think it would be possible to put gasoline and the Stewart's shop without the variance, if you look at the lot coverage of 40% would probably fit just the Stewart's shop store and the associated parking. When doing a gas station, you have got circulation around the complex, you need to have sufficient access to get a gasoline truck into the site to fill the pumps. One of the things that he thinks the board should look at is what could you put on this site under the code and he hasn't seen anything like that, but that is something that he would suggest. Again, you have circulation for parking and things like that, so you could probably squeeze in some gas pumps additionally, but again it creates a lot of impervious surfaces, even a small gasoline station with just a kiosk, has a lot of impervious surface area. One of the things with respect to the public hearing notice is that it notices just the one lot where the existing used car dealership is, but that's not what this application is just for, there are 3 separate lots, but the lots would be combined correct?

John replied correct.

James said that that have to be combined to meet the set back requirements, so the lots are going to be combined, but if you look at the existing versus the proposed on all 3 lots, on the 3 lots right now there is 63% green space combined, so they are almost at the 40% right there, so they could add 3% more impervious surfaces and meet the 40% lot coverage with what is existing now. He said that the Town Board made a determination that in the Highway Business District, they wanted to see 40% lot coverage, which was reduced from 50% correct?

Dave replied, correct.

John asked what was it before the last comprehensive review board, it was 50% correct?

Dave said it was 50% and some of the board wanted to go to 60% because it was Highway Business related and then because of other elements it went down to 40%.

John said that because in the business district he felt that it would have been better for the town if it went up, but certain elements of that community brought it down.

James said that he is just stating what the law says, right, wrong or indifferent the law says 40% coverage is allowed.

John asked what the actual lot coverage for the Sunoco station?

Dave said probably close to 90%.

James said that there are no intrinsic geographical factors here that say we need this, the lot is over the minimum lot size, we are not talking about a very small lot like the Sunoco station.

Tyler said that he started the process back in 2018 and originally in the Highway Business District it was 50% lot coverage, so they came in with a larger footprint, bigger gas, bigger building, once he was made aware of what the lot coverage was and analyzed the zoning requirements further, they adjusted their plans, scaled down significantly and that's where they are at today and they continue to work with the Planning Board, the Zoning Board, the Town and the public to see what more modifications that they can make this a win-win and a real key addition to the community. In terms of landscaping for the current property, there is a used car lot, a condemned home, the last was a residential 2-family rental unit, it is extremely overgrown not taken care of. Another comment was about having 2 uses, but 95% of their shops have the convenience store portion with gas it's a component of the industry, the reason the structure is larger today is because they are keeping up with what the consumer wants, they live a busier lifestyle, it's grab and go items, its ice cream, its dairy, its wraps, sandwiches, etc., so their business model is based on what the consumer buys and what they are asking for. Furthermore, in terms of stormwater management and spills, etc., they have submitted a pretty detailed information about how they handle their stormwater runoff.

John said that another concern that was mentioned was a possibility would be to decrease the number of filling spots, so right now you have 4 pumps.

Tyler said that the pumps are 2 x 2, so it's 4 pumps, and 8 fueling positions so you can fuel on both sides.

John said so there are 8, and are not double stacked like the Sunoco station?

Tyler replied no they are not double stacked.

John asked if the applicant has explored any alternatives to either reducing that number or changing its position for traffic flow, he doesn't see where the applicant could, but he wants to make sure that the applicant has addressed it.

Tyler replied that they internally started with 5 pumps or 10 fueling positions and what they did is scaled it down based on the lot coverage and need, this is a busy road, the traffic and the gas is kind of based on the need to pass by trip association, so that is how they gauge how many pumps they install at sites.

John said as previously discussed, he would like the applicant to seek out alternatives, for impervious surfaces wherever you can, he knows that the applicant said for the parking areas where there is public traffic it's not useful due to ice melt, wherever you can reduce that.

Question was raised about traffic.

Tyler said that it was a Planning Board issue, but he has included a truck turning radius diagrams, which shows all delivery vehicles coming from Chapel Hill Rd, and are not going to be on South Chapel Hill Rd.

\*Unable to hear as microphones were not talked into\*

John said that the public hearing would be left open, to allow the applicant some time to respond to the comments.

Tyler replied that his team would look into ways to reduce the lot coverage.

Jessica suggested that maybe they could reduce the size of the building slightly.

**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.

Applicant was not at meeting no action taken.

**Administrative:**

Minutes to approve:

April 8, 2021

May 13, 2021