

ZONING BOARD OF APPEALS
TOWN OF LLOYD
MINUTES
Thursday, July 8, 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: Board Members: Paul Gargiulo, Bill Brown, Alan Hartman, John Litts, and Shawn Zerafa; Board Staff: Dave Barton, Paul Van Cott, and Sarah Van Nostrand

New Business

Williams, Sean- 21 Tillson Ave., 88.17-7-8. Area Variance

Applicant is seeking an area variance for 3' of sideyard relief for an addition.

Sean (applicant) said that he would like to build a 2-story addition on the back of the house living room on the 1st floor and a bedroom on the 2nd floor, extending over the current patio. He is asking for 3' of variance the closest point is within 5' of the property line, the front corner of the porch and the back corner of the house is 12 feet from the property line, so he is looking for 3' of variance to build off the back which is parallel to the current porch.

John asked if there was a site map?

Sean said there is a drawing on page 6, sheet A102. He would like to know what other information is required?

John asked the proposed location of the addition doesn't encroach on the property line any more than the existing structure.

Sean replied that it would be less.

John asked for a motion to set up a public hearing for Aug. 12.

Alan made the motion, 2nd by Paul G.

All in favor, motion passed to set public hearing next month.

180 South Street LLC-180 South St., 87.3-5-14. Commercial Area Variance

Applicant is seeking an area variance for side yard setback, total side yard setback and minimum parking.

Dave said that they didn't deliver the application check until yesterday, so they were told not to come.

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, 10 inches for sign height. Applicant is also seeking relief of 19% for lot coverage.

John asked the applicant to update the board on the changes.

Tyler (applicant's agent) said that some modifications were done. He took feedback from the board as well as the public to reduce lot coverage, so what they did was that they did research on the soils for the entire area and due to the soil conditions, these soils are classified as d, as per the DEC Stormwater management manual you cannot have infiltration on class d soils, so this reduces the ability to have permeable surfaces, soil class d have a very slow infiltration rate.

John asked if soil borings were done?

Tyler replied not at this point.

Tyler said that they removed the attached storage shed from the building, and reduced the square footage of the building by a little over 200 sq. ft. and the sidewalk in the front of the building they reduced the space by roughly 4'.

John asked when you pulled the sidewalk in you pulled in towards the building?

Tyler replied yes.

John asked what did it gain you?

Tyler said that it gained them green space area on Chapel Hill Rd. The space between the edge of pavement and the canopy was reduced as well, so there will be more landscaping there.

John asked what was the square footage on the shed that was removed?

Tyler replied just under 200 square feet.

Paul G. asked what about the sidewalk?

Tyler replied they moved it in about 4'.

Paul G. asked what the length of the building was?

Tyler replied that it is 72 feet wide.

John said that you moved the entire curb line not the just the entire width of the building, so what did you gain totally?

Tyler replied that he doesn't have the exact square footage, but he can provide it for total green space. He said that he didn't separate it out for each movement.

John said that the board is trying to do everything possible, so a total gives the board the total, but if they can find out what each individual movement gained it then that's great.

Tyler said that he could scale it out really quick. He said that they gained about 2%, so they were at 61% and they were originally at 63% and now they are at 59% with lot coverage with 19% relief requested.

John said that he would like to do a straw pull on criteria so that a draft resolution can be had for next month, extend the public hearing for one more month.

Paul went through the balancing test with the board.

1. Whether benefit can be achieved by other means feasible to the applicant?

John said for the facility that the applicant has proposed, they really cannot shrink it down any more than they already have, they have gained green space, he thinks that they worked with the

board well to be more compliant and as far as the sign is concerned, it's not that large of a requested variance and if they actually did make it comply it would be invisible to the traveling public.

2. Undesirable change in neighborhood character or to nearby properties?

John said he doesn't feel that the sign will have detrimental effect on the neighborhood. As far as the lot coverage is concerned, he doesn't feel that it is detrimental he feels that it will be an improvement to what is there now. It's consistent with the other commercial buildings on two of the other three corners.

Paul G. said that it fits with the characteristic of the neighborhood.

3. Whether the request for relief is substantial?

John said for the sign he doesn't believe it is substantial, for the lot coverage it is substantial, it's 19%, but the applicant has reduced and has worked with the board to make the smallest foot print possible. He personally doesn't see it as a deal breaker.

Paul G. said that the applicant worked with the board and got the percentage down, when you say the went down only 3%, but 3% is a lot in a project of this size, so he feels that the applicant did their homework. He feels that to make this project feasible the applicant did all that they could, it is considerable, but overall, they did the best.

4. Whether the request will have adverse physical or environmental effects?

John said the sign not at all.

Paul G. said that the building wouldn't either as it is set so far back.

John said seeing what is there now, seeing what's proposed, they do have a stormwater management plan which will address any runoff, he doesn't see it being an effect.

5. Whether alleged difficulty is self-created?

John said that if the applicant didn't do it then it wouldn't be a difficulty, but he doesn't feel it has a baring.

John said that when the applicant first appeared in front of the board that they requested a recommendation from the Planning Board and the Town Board, he has not seen any correspondence at all, so he assumes that they have no recommendation?

Dave replied not for your decision. The Planning Board is reviewing it and have sort of paused it waiting for the board's decision. He also said, as was said before that the Planning Board is reviewing the SWPPP and it seems to be in good shape, but there is no input from the Town Board or the Planning Board on the variances.

John said okay, he knows that he put it out there and just wants to make sure that they are covering all their bases.

Alan said that on South Chapel Hill Rd, there are no arrows showing in or out.

John said that on Chapel Hill and 9W they are directional controlled, but on South Chapel Hill Rd, it can go both directions.

Tyler said that it is that way as it is a full access enter/exit.

Alan said that the entrance might be an issue if traffic gets backed up.

Tyler replied that there was a traffic study done and that the Planning Board is looking at traffic.

John said that traffic is a Planning Board issue.

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 that he is in the backyard of his neighbor and you are not going to see the pool from the road.

John said it is a unique situation, but it is about ideal as it can be.

Michael (applicant) said that he has about 10 feet of working space in the backyard.

Paul V. read through the resolution.

John asked for a motion to close the public hearing.

Bill made the motion, 2nd by Paul G.

All ayes, motion passed to close the public hearing.

John asked for a motion to approve the variances.

Alan made the motion, 2nd by Bill.

John-aye

Paul G.- aye

Bill- aye

Alan-aye

Shawn- aye

All ayes, motion passed to approve the variance.