

ZONING BOARD OF APPEALS
TOWN OF LLOYD
MINUTES
Thursday, August 12, 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: John Litts, Paul Gargiulo, Russell Gilmore, Alan Hartman, Shawn Zerafa; Board Staff: Dave Barton, Paul Van Cott and Sarah Van Nostrand

New Business

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.

Brian (applicant's agent) said that the owner of the property is DJ Direct and they are a shipping company. The property at 180 South St. is 6.5-acres, has 620 feet of frontage and currently there is about an 87,000 square foot structure, the zone is Agricultural, the current use of a warehouse is allowed in the zone. The topo and drainage are currently sheet flow, sloping from the west to the east. The sheet flow currently makes its way into the Black Creek. Site vegetation today is minimal, there is a wood lined buffer to the north, the western side there is a buffer to the creek. The site does have wetlands, but there is no proposed encroachment on the wetland. The site is served with two road cuts one on the north and one on the south. The site is served with an on-site water well and an off-site wastewater treatment system. The applicant is looking to add a 30,600 square foot addition with 5 loading docks and proposing no changes in utilities. From a parking standpoint currently, the owners have 8 parking spaces dedicated to office staff and 24 dedicated for the warehouse, the current requirements that they will need in the future will be 16 spaces for office, 6 visitor, 6 warehouse, and 3 for vans and buses, that total is 31 spaces. The first variance for relief is for the side yard setback, 35 foot is required and the plan shows 27.2 feet. The 2nd is for relief of the total side yard setback, the requirement is 100 feet, the plan shows 93.6 feet. The last would be for required parking, 69 is required, 36 are proposed.

John asked why wouldn't the applicant need a coverage variance? He said that in section B the plans show it as impervious currently, but it is a grass and gravel area currently.

Dave said that the coverage is going up 19% and maximum allowed is 8%, so for building coverage they are going up, but lot coverage is going down?

Brian said the building coverage is going from 86,800 to 117,400, the building coverage is currently 30.69%, and the proposed is 41.51%. From a pavement perspective 112,500 being roughly 40% of the site, that's being reduced to 71,673 or 25%. The green space about 83,500

about 29% is going up to 33%. He said to the Chairman's question about area "B" the site investigation shows the area to consist of rooftops, pads, and what appears to be grass is broken through pavement and gravel.

John mentioned that he is familiar with the site and the section that is labeled "B" is in fact pervious, its grass, dirt and water will penetrate through it.

Brian said that they will add lot coverage if the board feels that it is required.

John asked Dave if he feels that what the applicant is proposing is the only variances that he will require?

Dave replied that the applicant has spoken with him in the past, and he feels that they may have to add building coverage relief, its non-conforming now, and they are increasing it which the code allows them to do, but no more than 50%, he thinks it's 11% more. He is not sure if they would need to request relief from the 8% or from the 30% that they are at now.

John asked if the property next door was the same owner, where the septic system is?

Brian answered that it was a different owner.

John asked if the septic system was on a separate piece of property?

Brian said that it is correct.

John asked Paul V. if that was legal?

Paul V. said that it depends on the arrangement. He said that there is probably an easement for use of the septic system.

Brian said that there are land rights that were given to 180 South St.

Paul V. said that is something for the Planning Board and they will definitely be looking at the easements.

Brian said that it was an existing condition long before 180 South St., LLC took ownership of the land.

Paul G. said that it was his understanding that the septic was put there for the past tenant because they didn't have enough sewer to supply the building.

Brian said that he doesn't know the history of the parcel and will try to find out.

Paul G. asked if the applicant could go over the map that was submitted.

Brian mentioned that the northern section there is currently no building it is just pavement. That section of the building will get filled in and squared off. The back of the building or the mechanic or gravel area all those items whether they are equipment mounted on pads or small building additions like sheds, will all be demolished and removed and a portion of section B will be finished off as warehouse. On the south side right now, that is where loading takes place today, the area that juts out on the map are where the loading docks are being proposed.

Paul G. asked is section A all addition or is it existing?

Brian said section A is existing.

John asked what the width of one bay of the loading dock would be, because they show 5 bays for the loading dock.

Peter (a part of the applicant's team) said that he can provide what that is.

John said that the applicant is asking for 5 bays and requesting relief, if that was a 4-bay loading dock, then relief may not be needed on either variance.

Brian asked if the board was trying to see if the applicant could achieve the means in some other way?

John replied that yes and that the board grants the least possible.

Brian said that they will not be in a position to tell the board this evening if 4 will work for the applicant, they asked for 5. He hears the board that if one was truncated then they wouldn't need the variance.

John mentioned that he understands the parking required, is fine for the use of the building now, but this building has changed hands and uses many times, so if the board grants the variance it goes with the land, so a new owner would be bound by the number of parking spots. It works for this applicant, but it might not work for the next one.

Brian asked if the board would consider banked parking and where it could go and drain? He also mentioned that they might be able to put some in the rear of the building for staff only with an access door back there.

John said that he would like to see more parking spaces.

Dave asked if the board would consider banked parking and have in the resolution that the Planning Board would have to look for them.

John mentioned that by adding more parking, they would have to offset it with more green space.

Brian said that they are willing to look into permeable pavers to help offset the coverage.

John said that he likes where the applicant is going with the permeable pavers, which could be used in the rear of the building and then you would not need to offset it. He would like to see it offset on the southernly side.

Brian said that he would talk to the applicant and try to come up with a plan.

John mentioned that he would like to see the applicant to also explore removing one bay, as the board wants to make sure all options are explored in order to grant the least amount of relief possible.

Brian replied that he understands if they drop a bay then they may not need any relief for the side yard setback or the total side yard setback.

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

Russ made the motion, 2nd by Paul G.

All in favor, motion passed to set a public hearing for September 9.

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.

Jim (Lawyer for Chapel Hill Mart) feels that the board is looking at a fairly substantial variance in regard to the impervious surface on the property, with respect to the traffic study, basically what he pointed out is that the amount of traffic generated by the site is a combination of the square footage of the building and the number of fuel dispensers that are proposed.

John said that as traffic relates to lot coverage issue, he believes that the traffic study done is okay for this board. As far as the impervious surfaces the applicant has worked with the board to reduce that to the best of their ability. He believes that the rest of the board is okay with it as well.

Board agrees.

John said that they did seek comment from the Planning Board and the Town Board and neither board responded.

John asked for a motion to close the public hearing.

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

All in favor, motion passed to close the resolution.

Paul V. went through the SEAF with the board.

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

Board agrees no to small impact.

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

Board agrees no to small impact.

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

Board agrees no to small impact.

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

Board agrees no impact.

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 agrees no to small impact.

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?

Board agrees no to small impact.

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

Board agrees no to small impact.

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

Board agrees no to small impact.

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

Board agrees no to small impact.

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

Board agrees no to small impact.

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

Board agrees no to small impact.

John asked for a motion to accept the negative declaration.

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

Roll Call vote taken:

John-aye

Paul G.-aye

Russ-aye

Alan-aye

Shawn-aye

All in favor, motion passed to accept the negative declaration.

Paul V. read the approval resolution.

John asked for a motion to accept the resolution.

Motion made by Alan, 2nd by Russ.

Roll Call Vote taken:

John-aye

Paul G.-aye

Russ-aye

Alan-aye

Shawn-aye

All in favor motion passed to accept the resolution.

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.

Public hearing opened:

No public comment.

John asked for a motion to close the public hearing.

Motion made by Shawn, 2nd by Alan.

All ayes motion passed to close public hearing.

Paul V. read the resolution.

John asked for a motion to accept the resolution.

Motion made by Paul G., 2nd by Russ.

Roll Call Vote taken:

John-aye

Paul G.-aye

Russ-aye

Alan-aye

Shawn-aye

Administrative:

Minutes to approve:

June 10, 2021

July 8, 2021

Tabled until next meeting 9/9/21