

**APPROVED:**

**MOTION BY:**

**SECONDED BY:**

**AYES:**

**NAYS:**

**ABSTENTIONS:**

**ABSENT:**

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Certification of Receipt

By:

Wendy Rosinski, Town Clerk

## **ZBA MEETING MINUTES**

### **TOWN OF LLOYD ZONING BOARD**

**Thursday, October 10, 2019**

**CALL TO ORDER TIME: 7:00PM**

#### **PLEDGE OF ALLEGIANCE**

**ATTENDANCE** **Present:** John Litts, Chair, Vice-Chair; Alan Hartman; Russell Gilmore;  
William Brown; Michael Guerriero, Town Board Liaison; Anthony Giangrosso,  
Deputy Building Inspector; Laura Oddo-Kelly, Administrative Assistant to Planning  
and Zoning; Rob Stout, Land Use Attorney.

**Absent:** Paul Gargiulo

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

#### **New Public Hearings:**

**Law, Ryan, 65 Hawleys Corners Road, SBL# 79.4-1-12.100 in R1 Zone.**

Applicant is seeking an area variance to construct a garage with an accessory apartment in the lower front yard. Additionally, and simultaneously, applicant is seeking a special use permit from the Planning Board to allow an accessory apartment in part of the proposed detached garage.

**100-16 Regulations applicable to accessory buildings and structures in residential districts.**

The provisions of this chapter applying to residential districts shall be subject to such exceptions, additions or modifications as are herein provided by the following regulations applicable to accessory buildings and structures:

#### **A.**

**Location.**

[Amended 6-8-2011 by L.L. No. 2-2011]

#### **(1)**

No accessory building shall be located within a front yard.

**The Board requested a site map from the applicant of the proposed project for this meeting.**

Amanda Law presented the Board with pictures and a map of where the applicant would like to construct the structure on their property.

Litts said the proposed structure is severely in the front yard and close to the road.

Law said it would be hard to put the structure on the side yard because it wouldn't meet the setbacks and there is too much ledge stone to put it in the backyard.

Litts said the proposed placement is very extreme.

A **Motion** was made by Russ Gilmore, seconded by Bill Brown to open the public hearing. All ayes.

There were no public comments.

Gilmore said he has a problem with the placement of the structure because the Town code is very clear that an accessory structure is not allowable in the front yard. He said he understands that it is difficult property. He said it's excessively out front. One of the test questions on the ZBA balance test asks if it would pose a big impact and he feels that it would.

Stout said the applicant could place it in an alternative location in the back and ask for setback relief in an alternative spot near the neighbor's backyard.

Litts said it would be much easier to grant relief for setbacks than to have the accessory structure in the front yard.

Stout said it's a balancing test and the Board may weigh more in the applicant's favor to ask for relief with setbacks. If the applicant is considering an alternative plan then the Board may want to consider extending the public hearing. Stout said they can leave it open without them having to reapply.

The Board wrote on the map where an alternative location in the backyard should be.

Law took a copy of the proposed location in the back and said she would speak with her husband about the alternate location.

A **Motion** was made by Alan Hartman, seconded by Bill Brown to extend the public hearing.

**Krystek, Paul & Susan, 19 Tricia Blvd., SBL# 88.1-8-9 in R 1 Zone.**

Applicant is seeking a residential area variance to install a 12' x 24' pre-built shed in the front yard.

**The Board requested pictures of the steepness of the side of the hill and the lower area which floods for this meeting.**

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**A.**

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[Amended 6-8-2011 by L.L. No. 2-2011]

**(1)**

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The applicant was present with all requested information, pictures, plan map, and letters of support from neighbors. He presented hardship information demonstrating that it would be almost impossible to place the shed on any other locations on his property. He explained exactly where on the property he is proposing the structure and how much of the structure will be visible to the surrounding neighbors.

The Board viewed all the information.

Russ Gilmore said he walked the property with the applicant. His first concern was the code but he stated the applicant's yard is unusual and everything that the applicant explained about the topography of the property he witnessed firsthand.

The applicant explained that he could not place the shed on certain parts of the property because of flooding and steep inclines. He provided information to support the claim. The neighborhood already has visible sheds to neighbors.

The Board read all the letters in support of the applicant.

A **Motion** was made by Russ Gilmore, seconded by Bill Brown to open the public hearing. There were no public comments. All ayes.

A **Motion** was made by Bill Brown, seconded by Russ Gilmore to close the public hearing. All ayes.

Litts said he believes there is no other feasible location to place the shed and it's not a detriment to the neighboring properties.

The Board went through the balance test.

A **Motion** was made by Bill Brown, seconded by Russ Gilmore to grant the resolution of approval. All ayes.

## **New Business:**

### **Apple Blossom Orchards, 12 Millers Lane, SBL# 94.2-1-13 in AG Zone.**

Applicant is seeking an area variance to permit coverage on more than 10% of the two parcels with a solar farm.

## **ZONING**

### *100 Attachment 2*

#### **Town of Lloyd**

#### **Dimensional Table**

[Amended 9-8-2010 by L.L. No. 13-2010; 10-15-2014 by L.L. No. 4-2014; 3-18-2015 by L.L. No. 2-2015]

Zoning District	Minimum Lot Area	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Road Frontage (feet)	Minimum Building Setbacks* (feet)				Maximum Building Height (feet)	Maximum Building Coverage	Maximum Lot Coverage
					Front <sup>b</sup>	Each Side	Total	Rear			
Residential Districts											
A	2 acres/du <sup>a</sup>	150	—	150 <sup>d</sup>	30	35	100	30	35	8%	10%
R-2	2 acres/du	150	—	150 <sup>d</sup>	30	35	100	30	35	8%	10%
R-1	1 acres/du	125	—	125 <sup>d</sup>	30	15	50	30	35	8%	10%
R-1/2	1/2 acre/du	100	—	100 <sup>d</sup>	30	15	50	30	35	12%	20%
R-1/4	1/4 acre/du	85	—	85 <sup>d</sup>	30	15 <sup>e</sup>	50	30	35	18%	25%
Commercial Districts											
CB	5,000 square feet	20	100	20	none	none <sup>f</sup>	none	25	35	—	80% <sup>h</sup>
DB	3 acres	150	200	150	*	20 <sup>h</sup>	50	50	35	—	40%
GB	15,000 square feet	75	150	75	*	20 <sup>h</sup>	40	25	35	—	40%
WB	5,000 square feet	none	none	none	none	none <sup>f</sup>	none	none <sup>f</sup>	35	—	90%
LI	1 acre	150	150	150	*	35 <sup>h</sup>	70	35	45	—	35%

# LLOYD CODE

Zoning District	Minimum Lot Area	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Road Frontage (feet)	Minimum Building Setbacks* (feet)				Maximum Building Height (feet)	Maximum Building Coverage	Maximum Lot Coverage
					Front*	Each Side	Total	Rear			
LB	5,000 square feet	50	100	100	none	None	None	None	35	—	40%
HBD	10,000 square feet	50	100	75	#	15 <sup>h</sup>	35	25	35	—	50%
TRR-F	30 acres	500	—	—	100	50'	100'	50'	45	20%	40%
<b>Other Districts</b>											
TR-1; TR-1/2	See § 100-39 of this chapter.										
PUD	See § 100-23 of this chapter.										
TND and MUD	See § 100-23 of this chapter.										

\* For setbacks applicable to accessory buildings and structures in residential districts, see § 100-16.

<sup>b</sup> On streets with less than a fifty-foot right-of-way, the front yard setback shall be measured from the center line of the right-of-way, if known, and 25 feet shall be added to the required front yard setback. On streets of unknown right-of-way, the same procedure shall be followed except that measurements shall be taken from the center line of the existing roadway. Front yard setbacks may be adjusted to prevailing setbacks in the immediate neighborhood; a maximum setback or "build-to line" may be established to maintain the "street wall" in the R-1/2 and R-1/4 Districts.

<sup>c</sup> Minimum frontage may be reduced to 50 feet on a circular end of a cul-de-sac.

<sup>d</sup> May be zero feet for party-wall or zero-lot-line buildings.

<sup>e</sup> Where a side yard is provided, it shall be at least four feet in width. Where access to parking is provided through a side yard, it shall be a maximum of nine feet wide for one-way traffic and a maximum of 18 feet wide for two-way traffic.

<sup>f</sup> At the discretion of the Planning Board.

<sup>g</sup> Gasoline pumps, lubricating or other similar devices shall be located 50 feet from any street line.

<sup>h</sup> Twenty-five-foot setback with wooded buffer required if lot abuts a residential district.

<sup>i</sup> Fifty-foot setback with wooded buffer required if lot abuts a residential district.

<sup>j</sup> For single-family and two-family dwelling units in the CB District, a maximum of 40% lot coverage is permitted.

<sup>k</sup> One hundred feet on any yard abutting developed residential or agricultural property.

100 Attachment 2:2

12 - 01 - 2015

## 109 110 100-39.1 Solar energy facilities.

- (d) Lot coverage. Ground-mounted solar energy systems are limited to lot coverage requirements of the underlying zoning district. The surface area covered by ground-mounted solar panels shall be included in total lot coverage. Surface area coverage should be calculated to represent the actual area covered, taking into account the angle of placement, if any.

111 Stout said he needed to disclose that he represented the applicant in other matters which did not  
 112 have any connection with the Town of Lloyd but that he would recuse himself tonight so he  
 113 could either prepare a waiver of potential conflict or seek another attorney to be in his place.  
 114 Applicant's, Doug and Jason Minard, were present to give an overview of the variance they are  
 115 seeking. They explained that he would like to seek relief to permit coverage on 50.2 acres of a  
 116 80.9 acre parcel (63% coverage.) in which they would like to allow the lease of that portion of  
 117 the property for the use of a solar farm for the company Cypress Creek Renewables.  
 118 Litts said they would need much more information including mounting, watershed discharge.  
 119 Gilmore said they would also need to see the reflection angles and repair contract in the event of  
 120 leakage.  
 121 The Board discussed that 63% coverage is excessive of the 10% which is allowed.  
 122 Litts said that first they would need to see if Stout could be the attorney for the Town in this  
 123 matter.  
 124 The Board requested the applicant to provide them with a site plan and additional information to  
 125 supplement the application, including a solid number on the percentage of coverage.  
 126

127 In light of the issue of the attorney and lack of information from the applicant, the application is  
128 tabled to the November meeting.

129  
130 **Pete's 9W Collision Center, 3323-3325 Route 9W, SBL# 80.3-1-21.110 in LI Zone.**

131 Applicant is seeking a commercial use variance to erect a double-sided pole sign in an LI Zone  
132

133 **100-28 Signs**

134 H.

135 Light Industrial District.

136 **(a)**

137 Light Industrial District: not more than one primary sign per establishment. Such sign shall be a  
138 wall sign located on the establishment's principal facade and may be as large as one square foot  
139 per three linear feet of an establishment's front building wall length or a maximum of 40 square  
140 feet, whichever is less.

141  
142 Stout said that he would research whether a use variance is the appropriate variance to be seeking  
143 and have it for the next meeting.

144 Jessica LaGuardia, Fast Signs and applicant's representative, was present to give an overview of  
145 the project

146 The board discussed that the code clearly states there are no pole signs permitted in the LI Zone.  
147 It was discussed whether the applicant would like to change it to a monument sign which would  
148 be allowed.

149 LaGuardia said she would discuss it with her client but would like the Board to set the public  
150 hearing for next month.

151 The Board decided to set the public hearing for November but asked to see if the applicant would  
152 like to change the sign to a monument sign which is an allowable use in that zone. If the  
153 applicant would like to change the sign, then they would need a letter withdrawing the ZBA  
154 application.

155  
156 **Minutes to Approve:**

157 A **Motion** was made by Russ Gilmore, seconded by Bill Brown to approve the minutes of  
158 September 12, 2019. All ayes.

159  
160 A Motion to adjourn was made by Alan Hartman, seconded by Bill Brown. All ayes. 8:13PM  
161