

APPROVED:

MOTION BY:

AYES:

NAYS:

SECONDED BY:

ABSTENTIONS:

ABSENT:

DISTRIBUTION: OFFICIAL MINUTES BOOK – TOWN CLERK – BLDG DEPT.

Certification of Receipt

By:

Rosaria Peplow, Town Clerk

**ZBA MEETING MINUTES**

**TOWN OF LLOYD ZONING BOARD**

**Thursday, April 11, 2019**

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

2  
3 **PLEDGE OF ALLEGIANCE**

4  
5 **ATTENDANCE** Present: Paul Gargiulo, Vice-Chair; Alan Hartman; Russell Gilmore;  
6 William Brown; Michael Guerriero, Town Board Liaison; Anthony Giangrasso,  
7 Deputy Building Inspector; Laura Oddo-Kelly, Administrative Assistant to Planning  
8 and Zoning.

9  
10 Absent: John Litts, Chair

11  
12 **ANNOUNCEMENTS: GENERAL, NO SMOKING, LOCATION OF FIRE EXITS; ROOM CAPACITY IS**  
13 **49, PURSUANT TO NYS FIRE SAFETY REGULATIONS. PLEASE TURN OFF ALL CELL PHONES.**

14  
15  
16  
17 **New Public Hearing**

18  
19 **D & D Auto, 3537 Route 9W, SBL# 88.69-3-12.100 in GB Zone.**

20 Applicant is seeking a commercial area variance for lot coverage relief of 27% to construct a  
21 3600 sq. ft (30'x120') building on a 0.67-acre parcel to store auto parts. The maximum lot  
22 coverage of the parcel is 40% and the building actual will be 67%. Applicant is also seeking a  
23 rear yard setback relief of 13'8" (actual 11'4") where the required rear yard setback is 25'. The  
24 existing driveway entrance Rt.9-W (south) will be used to access the proposed building and  
25 parking area. Any new storm water discharge will be directed to the existing storm water system  
26 located on the parcel, as designed by a NYS Professional Engineer.

27 **The Board requested visuals of the building and planting plans as a buffer.**

28  
29 Steve Lawrence, applicant and owner of the business, was present to answer questions and  
30 present an overview of the proposed project.

31 Gargiulo said the Board reviewed the plans at the last meeting and said they have received  
32 concerns from neighboring property owners. Two letters were formally submitted.

33 Lawrence said he was unaware of the concerns and read the two letters that were submitted.

34 He said they can address the issue of the trees being removed from Woodside Place. If the  
35 building is put up it will muffle the noise from Rt 9W and they could additionally put greenery  
36 on the other side of the building.

37 Brown inquired about garbage removal and cars stored on the property.

38 Lawrence said he would check if they could possibly put two dumpsters in a fenced in an area on  
39 the side of the building. There is only one car stored and there will be 6-8 delivery vehicles there  
40 as well as employee cars.

41 Brown inquired where flammables are stored.  
42 Lawrence said there is not a huge quantity of flammables.  
43 Brown said he would be concerned if there was a fire in the structure when flammables are  
44 stored inside.  
45 Lawrence said the two-story existing building is sprinkled. He would like to put hard parts, such  
46 as mufflers and pipes, in the new building.  
47 Gargiulo asked if there would be heat in the proposed building.  
48 Lawrence said he wasn't planning on it but he would insulate the building.  
49 There was a discussion of a dry system as opposed to a sprinkler system.  
50 Brown inquired about the size of the water main that comes down the street.  
51 Giangrasso said probably a 6" or an 8". He additionally stated the building doesn't trigger any  
52 sprinkler system because of the size. When and if they get the plans for the building, they would  
53 go through the fire code. Giangrasso said he would at least believe that there would be a fire  
54 alarm in the building. He said a few residents had come into the office and were more concerned  
55 with the aesthetics of the building and would like to see pictures or renderings of it.  
56 Gilmore said, at the last meeting, Patti Brooks, applicant's representative, explained the building  
57 would be single story, approximately 25 ft tall. He said he inquired about the visual impact of  
58 that to the residents in the neighborhood. There is currently wide-open eastern exposure and  
59 Brooks was going to present a line of sight to the Board at the next meeting.  
60 Lawrence said Brooks has not completed it yet but a positive would be the building blocking any  
61 sound stemming from Route 9W.  
62 Gilmore and Gargiulo expressed their concerns with the aesthetics of the proposed building and  
63 suggested options of greenery and windows.  
64 Vincent and Tany Hyland, residents of Woodside Place, said they are very interested in viewing  
65 renderings of the proposed building and don't want to see a building that would block any sun  
66 exposure.  
67 Lawrence said he would plant evergreens on the hill and he would like the building to look nice  
68 as well.  
69 Gargiulo said the Board would like an elevation side view from Woodside Place and renderings  
70 of the proposed building. He also asked the applicant to provide them with any alternatives for  
71 the particulars of the proposed building. They would like to also see six-foot pines or evergreens  
72 planted on the hill facing Woodside Place.  
73 Bill Brown said the goal should be to make the building desirable to the community.  
74 A **Motion** was made by Russ Gilmore, seconded by Bill Brown to extend the public hearing.  
75 The Board extended the public hearing until next month so Patti Brooks, applicant's  
76 representative could supply them with the information requested.

77  
78 **New Business**

79  
80 **Watson, David, 10 Bellevue Rd., SBL# 88.17-2-36.120 in R2 Zone.**  
81 Applicant is seeking an area variance relief of 5' for the side yard to construct a post and beam  
82 carport roof with landscaping pergola. The required setback for the side yard is 35' and applicant  
83 has 30'.  
84  
85 The applicant was present to give the particulars of the proposed project. He supplied pictures of  
86 the property. He stated that he believes the shed is not a permanent structure and under 250

87 square feet in size. He said he put piers in to make an arbor roof and believes it has enhanced the  
88 community. Above the slab he would like to build a pergola and a nine-foot roof. It would be a  
89 separate structure, not connected to the existing structure. Watson stated that the Building  
90 Department has reservations if the structure would require a four-foot side setback. He believes  
91 the proposed structure is not permanent.

92 Gargiulo inquired why would it have piers then.

93 Watson explained that he believes because the posts can lift off the pins it makes it a non-  
94 permanent structure. His contention is that he does not need a zoning variance because it is a  
95 shed size.

96 Giangrasso said originally the entire project came in as one structure with everything attached to  
97 the now existing structure. He said, in his opinion, the proposed project the with carport is going  
98 to be a complete structure and be part of the existing building, like an addition. It is not attached  
99 and he doesn't want to set precedence, so he had Watson come to the ZBA because he is not  
100 meeting the side yard setback. Giangrasso said, he believes, the applicant is over the limits for an  
101 accessory structure because he considers it is all one structure. It would be over the 250-foot rule.

102 Gargiulo cited a past proposal to the ZBA that was a portable outdoor structure because it could  
103 be unbolted to its foundation. One year later, the owner added sheet metal to the outside and  
104 added a flat roof to the top. He said with four posts he could later add walls and glass to enclose  
105 the structure. By putting the proposed project as extremely close as it is to the existing structure  
106 in the driveway, it seems that the purpose would be to have it as a whole building. It breaks the  
107 threshold and it is reclassified as a structure. It is not attached to the original structure by a few  
108 inches.

109 Gilmore said density only applies to useable property and he questioned whether the applicant is  
110 near his buildable density. Gilmore inquired the purpose of the carport roof and pergola.

111 Watson responded that he feels it is more aesthetically pleasing with the carport and pergola.

112 Gilmore asked if that was part of the original plan when he built the first structure.

113 Watson said he thought of it after the existing structure went up. There is an existing slab with  
114 nothing over it.

115 Gargiulo said it should have been blacktopped to make it more uniformed. It didn't need  
116 concrete.

117 Watson said that he didn't think of that.

118 Gargiulo said he feels that the four piers and the roof is over and above. The piers have no  
119 purpose other than a possible tilt of the pergola in the winter months.

120 Watson said he feels carports are flimsy. He said his original thought was to take the very first  
121 rafter of the new construction, remove the fascia from the building and nail them together for  
122 stability. As soon as Giangrasso said that makes it one structure and it's above the square footage  
123 he said he didn't do it. He realized Giangrasso was right and then decided to make plans to have  
124 the carport and pergola a few inches away from the existing structure.

125 Gargiulo asked why the ZBA should grant a variance for something that does not need to be  
126 there.

127 Watson replied that he does not think he needs a variance as he is well within the size of a shed.

128 Gargiulo said Watson already has a shed.

129 Watson said he thinks the new structure qualifies as a shed. He believes he would in essence  
130 have two sheds.

131 Giangrasso said his interpretation that originally it was going to be one big structure. If it  
132 couldn't be one structure that is why it was separated. It can be misconstrued as one big  
133 structure.  
134 Gargiulo asked Giangrasso if Watson could have two sheds on one piece of property.  
135 Giangrasso responded yes but said it is not a shed. He said he is interpreting it as a structure and  
136 part of the existing building. The applicant needs a 5' variance to meet the side yard setback.  
137 Gargiulo suggested to just make the pergola 5 feet yes.  
138 Watson said he can't because he put the piers in and it's how he wants it or nothing.  
139 Gargiulo said then maybe he should have waited to put the piers in.  
140 Watson said he feels there is nothing in the code that prevents him from doing it.  
141 Brown said what's puzzling is the application for a five-foot variance in the side yard to  
142 construct a post and beam car port roof.  
143 Gargiulo said on the balance test it asks why it cannot be put in any other place and what is the  
144 hardship.  
145 Giangrasso asked the Board to think about what is it considered when you put four-foot footings  
146 in.  
147 Gilmore said supports and foundation are structural.  
148 Gargiulo said a carport is a structure.  
149 Gilmore said he would like some time to research the proposal.  
150 Gargiulo said at the next meeting there will be only an interpretation of the code discussion of  
151 and determination on whether it is a structure or not.  
152 A **Motion** was made by Hartman, seconded by Brown to have a determination of the code at the  
153 next meeting.

154

155 **Minutes to Approve:**

156

157 A **Motion** to approve the minutes of the March 14, 2019 Zoning Board Meeting was made by  
158 Russ Gilmore, seconded by Bill Brown. All ayes

159

160 A **Motion** to adjourn was made by Russ Gilmore, seconded by Alan Hartman at 7:58PM. All  
161 ayes.

162

163