

APPROVED:
MOTION BY: **SECONDED BY:**
AYES: **NAYS:** **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, March 14, 2019

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

2
3 **PLEDGE OF ALLEGIANCE**

4
5 **ATTENDANCE Present:** John Litts, Chair; 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
11 **ANNOUNCEMENTS: GENERAL, NO SMOKING, LOCATION OF FIRE EXITS; ROOM CAPACITY IS**
12 **49, PURSUANT TO NYS FIRE SAFETY REGULATIONS. PLEASE TURN OFF ALL CELL PHONES.**
13

14
15
16 **Extended Public Hearing**

17
18 **Budnik, John & Debra, 289 Hurds Rd, SBL# 94.2-1-4.120 in A Zone.**
19 Applicant is seeking an area variance relief of .97 acres to then apply to the Planning Board for
20 an accessory apartment in their detached 28 x 24 sq. ft 2-story building on the parcel.
21 **The Board requested pictures, a survey and a site plan for this meeting.**
22

23 A **Motion** was made by Russ Gilmore, seconded by Bill Brown to open the public hearing. All
24 ayes. **Motion** carried.
25

26 Applicant presented septic system plans that were requested by the Board.
27 The ZBA reviewed the septic plans.
28 Litts was concerned with the effect an inhabited accessory structure apartment would have on the
29 septic system since it was designed solely for the original house on the property. He was also
30 concerned with the proximity of the neighbor's well.
31 There was a discussion on whether the applicant needed a use variance to have an accessory
32 apartment in an accessory structure on the property.
33 Litts read Barton's letter dated July 8, 2018 into the record (see attached).
34 Litts said he wanted to seek legal counsel for the issue of the use variance before he made
35 comment on it.
36 Litts asked if there were any public comments concerning the area variance request from the
37 public.
38 Patti Brooks, Brooks and Brooks, commented that she was in favor of the application and that
39 the applicant has made maintenance improvements to the property and the accessory structure
40 making it a beautiful parcel.

41 A **Motion** was made by Bill Brown, seconded by Russ Gilmore to close the public hearing. All
42 ayes. **Motion** carried.
43 The ZBA reviewed and discussed the balance test in relation to the applicant's proposal.
44 (Gargiulo enters 7:24PM)
45 It was determined that the apartment would not be feasible in the main structure and the property
46 is not a detriment. It was determined that the septic is not a detriment to the neighboring wells.
47 Litts felt the request of .97 acres is quite substantial.
48 It was determined that that there could potentially be an adverse physical or an environmental
49 effect with the primary septic system. The second structure sewer pump could introduce a large
50 volume of effluent at one time to the primary system.
51 The Board agreed that the situation was self-created and no conditions be present in the decision.
52 A **Motion** to grant the area variance was made by Alan Hartman, seconded by Russ Gilmore.
53 **Roll Call:** Gilmore, aye; Hartman, aye; Brown, aye; Gargiulo, abstain; Litts, nay. Three ayes;
54 **Motion** carried.
55

56 New Business

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

58 Applicant is seeking a commercial area variance for lot coverage relief of 27% to construct a
59 3600 sq. ft (30'x120') building on a 0.67-acre parcel to store auto parts. The maximum lot
60 coverage of the parcel is 40% and the building actual will be 67%. Applicant is also seeking a
61 rear yard setback relief of 13'8" (actual 11'4") where the required rear yard setback is 25'. The
62 existing driveway entrance Rt.9-W (south) will be used to access the proposed building and
63 parking area. Any new storm water discharge will be directed to the existing storm water system
64 located on the parcel, as designed by a NYS Professional Engineer.
65
66

67 Patti Brooks, Brooks and Brooks, was present to give an overview of the project. She conveyed
68 that the applicant needs more room for storage and there is only one location on the property
69 where the building could be constructed.

70 Litts asked if there would be any additional employees.

71 Brooks said no. The building would solely be used for storage and they additionally would not
72 have to reduce the number of parking spaces.

73 Brooks said the reason for the area variance for the setback is because in 1932 when the DOT put
74 Rt 9W in, they also put Woodside Place in. In the process, they took quite a substantial parcel of
75 land in order to put Woodside Place in. They calculated, if Woodside Place was a normal town
76 road, that was 50 feet wide, measuring the setbacks from 25 feet off the existence of the central
77 line of the roadway is where they have placed the proposed building. The building is 50 feet off
78 the center line of Woodside Place but not 25 feet from the Highway because of the large
79 acquiring of property by the NYDOT. She added that the parcel is preexisting non-conforming
80 right now. The building would be approximately 25 feet high.

81 Gargiulo asked if there were any previous variances granted.

82 Brooks said it is zoned for general business so it is an allowable use. The applicant is already
83 over what is the allowable coverage.

84 Litts asked if there ever was a variance issued for the increase in coverage.

85 Brooks said she is not aware of any.

86 Litts said the ZBA would have to research that.

87 Brown wanted to know exactly what would be stored in the building.
88 Brooks said she would find out specifically.
89 Gilmore asked Brooks about the view obstruction for the people living opposite the proposed
90 construction.
91 Brooks replied that she would provide a line-of-sight drawing for the next meeting, with
92 elevations.
93 Litts asked if there would be a loading dock and how are trucks going to get in and out of the
94 property.
95 Brooks said there would be no loading dock. There would be ground level doors in front on the
96 north end with a skid steer for loading and unloading. She would supply more information at the
97 next meeting.
98 A **Motion** was made by Alan Hartman, seconded by Bill Brown to set the public hearing for
99 April 11, 2019. All ayes. **Motion** carried.
100 The Board requested visuals of the building and planting plans as a buffer for the next meeting.
101

102 **Minutes to Approve:**

103
104 A **Motion** to approve the minutes of the January 10, 2019 Zoning Board Meeting was made by
105 Alan Hartman, seconded by Russ Gilmore. Four ayes

106
107 A **Motion** to adjourn was made by Alan Hartman, seconded by Russ Gilmore at 8:00PM. All
108 ayes.