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ZBA MEETING MINUTES
TOWN OF LLOYD ZONING BOARD

Thursday, January 12, 2017

CALL TO ORDER TIME: 7:02 pm

PLEDGE OF ALLEGIANCE

ATTENDANCE Present: Anthony Pavese, John Litts, Paul Gargiulo, Alan Hartman, Paul Symes, Peter Paulsen, Elaine Rivera, Rob Stout; Planning & Zoning Board Attorney, Anthony Giangrasso; Deputy Building Inspector
Absent: Michael Guerriero, Town Board Liaison

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

Extended Public Hearings

Highland Assisted Living At Village View, 1 Grove St 88.69-1-10 R1/4, zone.

This project consists of a 18,310 s.f. expansion to an existing assisted living facility. The expansion will allow a total of 80 beds and not more than 13 employees per shift. There will be a total of 15 parking spaces as 9 parking spaces have been waived by the Planning Board at their workshop meeting held on November 17, 2016, this in turn eliminates the need for a front yard setback variance and reduces the building coverage variance request.

The applicant is requesting two area variances as follows:

	<i>PERMITTED</i>	<i>EXISTING</i>	<i>VARIANCE REQUEST</i>	<i>Total Coverage</i>
		(Lot#88.69-1-10)		
<i>Building Coverage</i>	18%	23.5%	5.6%	23.6%
<i>Lot Coverage</i>	25%	48%	25.6%	50.6%

If taken into consideration the combined three lots the request is as follows:

	<i>PERMITTED</i>	<i>EXISTING</i>	<i>VARIANCE REQUEST</i>	<i>Total Coverage</i>
		(all 3 tax lots)		
<i>Building Coverage</i>	18%	19.6%	5.6%	23.6%
<i>Lot Coverage</i>	25%	41%	25.6%	50.6%

43 Stuart Mesinger with the Chazen Co., the applicant's representative, was present for the meeting.
44 Richard Cantor, attorney for the applicant was present for the meeting.
45 Stu: A couple of things we were talking about were the compatibility of an assisted living facility in a
46 residential neighborhood and the need for a facility. This is an allowed conforming use so by that nature alone
47 it is compatible with the neighborhood in which it is located.
48 A few points reviewed by Stu are as follows. (Full submittal attached.)
49 1. I would like to bring to your attention, in the material that was submitted, assisted living facilities are
50 licensed by the state Department of Health and they need to obtain a certificate of need as part of the process.
51 They have their certificate of need which has been submitted to you. The New York State office of Aging
52 provides guidance on the location of assisted living facilities.
53 2. The *Livable New York Resource Manual* states it is importance of allowing seniors to age in place, "by
54 proving older adults with an opportunity to socialize with contemporaries, interact with community members
55 of all ages in the surrounding residential neighborhood, and have easy access to social and other amenities that
56 are necessary for carrying out routine activities and tasks of daily life". We think that this is a location that
57 meets this because it is within a short distance of Church St. and Vineyard Ave., there are groceries services
58 and so on.
59 3. Another point is that the Town's own comprehensive plans make the point that senior citizen housing is in
60 need in town.
61 4. We went around some of surrounding communities and said do they follow a similar zoning practice to
62 Lloyd, in terms of where they allow assisted living facilities, and the answer is yes. It is common and routine
63 for assisted living facilities to be located in residential neighborhoods. Poughkeepsie, Kingston and Saugerties
64 do it and I think if we looked wider we would find that this is routine.
65 Stu reviewed the variances the applicant is requesting (as shown above) stating that however this is looked at
66 the request is pretty minimal. The Board also reviewed a list of properties all in the R ¼ zone, that are in line
67 with the applicant's request. Knowing that one of the criteria to meet when requesting a variance is *character*
68 *of the neighborhood*; the applicant took it upon themselves to try to define, what is the neighborhood in which
69 the facility is located?
70 Stu: We kind of defined the neighborhood being bound by the rail trail, New Paltz, Rd. and a little piece of
71 Route 44/55. Again the condition of having facilities with lot and building coverage that are not in compliance
72 is common in the area. A traffic study was submitted to the Planning Board, we estimate 8 new trips during
73 the facility's morning peak hour and 13 trips during the facility's afternoon peak hour. There was a question
74 about truck traffic; in a maximum week, if you totaled the truck traffic up, there would be seven trucks and this
75 is not going to change. The last was truck maneuvering; one of the benefits of the new layout is provide more
76 room. A truck turning template or calculation of the turning radius that a truck needs was submitted.
77 (The full submittal is attached)
78 The Board discussed the building coverage
79 John L clarified that the building coverage, when considering all three lots, is an increase of 4%, similar to the
80 as is non-conformance.
81 As this is an extended public hearing, comments were now open for the public.
82 Wendy Rosinski of 1 Meadow St. asked how truck traffic will be using the site.
83 Stu: Trucks can do one of two things, this and this or this and this. (Not sure what he was pointing to)
84 Wendy R: Inaudible.
85 Mike Rider of 4 Leonta Ct. asked about the size of the box trucks that would be coming through.
86 Stu: There are 20' to 24' box trucks.
87 Paul S: There will not be any 18 wheelers? Would the turning radius you provided accomodate an 18
88 wheeler turning around?

89 Stu: It is calculated for the 18 to 24' box trucks, so I will find out about that.
90 John L: The applicants have provided us with a table showing the truck sizes and times of delivery.
91 (See attached)
92 Mike Rider: The day that I saw the semi tractor trailer there I saw that there were 11 cars in the parking lot. I
93 will there be sufficient parking for employees and visitors?
94 John: Just to follow up, the semi truck that was there, do you know what they were delivering?
95 Mike R: It was a food truck.
96 Stu: I will get some information on that.
97 Anthony P: The Planning Board is lead agency on this. We are here to review for the variance requests. I get
98 it we all get it and I am sure you have serious questions for the Planning Board.
99 Mike R: You have to abide by the five issues that are on that card (criteria for area variance) and this
100 becomes a part of that. It is about safety. If there is an emergency and that truck has choked that road off what
101 happens if emergency vehicles need to get through there.
102 Anthony P: This would be reviewed by the Planning Board.
103 Mike R: Part of the approval is that these trucks can get in and out of there, in my eyes it all part of the same
104 thing.
105 Anthony P: We are going to take that into consideration when we review the balance of interest criteria. How
106 the trucks pull in or out are part of the site plan review.
107 Mike R: There are 11 parking spots, to gain a variance and room for this building it all ties in.
108 Stu: The reason the waiver was issued was because we demonstrated that we do not need the extra parking
109 spaces. I hear your question about the 18 wheeler and I will try to find out about it. People have 18 wheelers
110 come up for many different reasons. I had an 18 wheeler make a Christmas delivery in my apartment
111 complex. I do not know if it is a routine thing or the truck was broken that day, I will find out.
112 Anthony P: This could all be taken up with siteplan or the Building Dept. but for tonight I would like to focus
113 on the two variances being requested by the applicant so that we can move to the next step which would be
114 reviewing the balance test criteria.
115 Rob Stout, Zoning Board Attorney: Just to be clear, because the Planning Board has not done the SEQRA
116 review yet you cannot make a decision this evening.
117 Stu: We need to submit updated plans to the Planning Board and then they will be able to do their SEQRA
118 review.
119 Paul G: How long is it from the lower parking lot to the loading zone?
120 Stu: About 100 ft. from here (pointed to map) to the service door. Remember that the expansion has no effect
121 on the number of trucks coming to the site. Access is improved in the proposed plan.
122 Discussion on the ingress and egress of delivery trucks.
123 Anthony P: This Board has limitations. I suggest you go to the Planning Board meetings for the siteplan
124 review.
125 Wendy R: Lot coverage of 25% is permitted for the three lots. It is currently at 41% and now you want to go
126 to 50.9%, this is not small it is doubling what is actually permitted.
127 Paul S: It is a 10% point increase and 25% increase, 10 points 25% increase.
128 Stu: Fair enough, that is right. Again common condition in this neighborhood it is not an enormous increase
129 at 10%.
130 Paul S: 25%.
131 Stu: That's right, 25%.
132 Paul S: It is 10% percentage points but a 25% increase, which is not small.
133 Marcos Padilla of 11 Grove St.: We have heard a lot of talk and promises. A while back the funeral parlor
134 representative was here, and one of the contingencies was that their fence was going to get fixed. It is still not

135 fixed. We were told that would get fixed right after the meeting and that was 3 ½ months ago. My concern is
136 being an immediate neighbor I am going to be dealing with this type of a problem in the future. Am I going to
137 be dealing with getting promises that things will get fixed and they will not? Another question is with the
138 amount of trucks that will be coming in and they will be backing up right next to my house, what will be done
139 for a noise barrier? What are we doing for delivery vehicles coming in and out? The last thing I want to hear
140 are back up alarms, my kid's windows are right there. This is just some of the things that I have been thinking
141 of.

142 Paul S: You should bring those same points up to the Planning Board.
143 A **Motion** to extend the public hearing was made by Paul Gargiulo, seconded by Paul Symes. All ayes.
144 Wendy R: Did any of you walk the site? I would ask that the Board go out and walk the property. Visualize
145 the new design coming across the properties.
146

147 **Administrative Business**

148
149 A **Motion** to approve the minutes from the December 8, 2016 Zoning Board Meeting was made by Paul
150 Gargiulo, seconded by Paul Symes. All ayes with Peter Paulsen abstained and Elaine Rivera abstained.
151

152 **Informal Discussion**

153
154 3280 Rt. 9W (old Wonder Bread bldg.)
155 Mr. Spyrous, Realtor who works out of Dutchess County, representing the owner was present for the
156 discussion. The property of interest is in the LI district; it is a 7.1 acre lot and has a building which is just
157 under 7,000 sq ft.

158 Mr. Spyrous: The building has been non rentable in the LI district and no one has been interested in
159 purchasing it. We are looking at a long term lease to put in a gymnastic studio, which we think would be good
160 for the community. Before we start the variance process we wanted to come before you to see if a variance
161 would even be possible. The hardship is that the building has been empty since 2007, the owner spends
162 \$14,000 a year in taxes, and the owner cleaned up a chemical spill that cost her over \$100,000.

163 Anthony G: In the LI district what they want to do is not allowed. They would need a Use variance and a
164 Special Use Permit.

165 Rob S: The Board cannot offer an opinion without the application in front of them but it sounds like you are
166 aware of the fact that you would need to satisfy the Use criteria. You immediately hit on the financial
167 condition, the Board would need to see a formal application to consider that but you are thinking about the
168 correct factors.

169 Paul G: It sounds like a good proposal but would have to see it all on paper.

170 Elaine R: For a use variance they need to show us that the property cannot be used for what it is zoned for?
171 Basically that it has been for sale not that it has been vacant. I would want to see that it has been on the market
172 and there were no takers.

173 Mr. Spyrous: My sign has been out there for a year, Quinn has been there.

174 Elaine: That is what I would want to see, that there has been an effort made to try to sell it.
175 The Board discussed the LI zone and the location of this property.

176 Anthony P: Your next step would be a formal application.
177

178
179 A **Motion** to adjourn was made by John Litts, seconded by Elaine Rivera. All ayes. 7:44pm