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ZBA MEETING MINUTES
TOWN OF LLOYD ZONING BOARD

Thursday, January 9, 2014

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CALL TO ORDER TIME: 7:00 PM

PLEDGE OF ALLEGIANCE

ATTENDANCE Present: Paul Gargiulo, Anthony Pavese, Paul Symes,
Tim Marion, Shari Riley; Code Enforcement Officer
Absent: John Litts, Peter Paulsen, Meredith Engle, 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.

New Business

GUNK HAUS-Elizabeth Steckel and Dirk Schalle; Variance, 387 South St SBL#94.2-2-11 in A zone.
The applicant is requesting a variance to allow a second sign and an area variance to hang a 8 foot by 2 foot sign on their retail bakery addition. This second sign is being requested on the front of the new addition. The sign that is there is 21.6 sq. ft. and the code allows 25 sq. ft.

Required	Requested	Variance
25sf	37.6sf	12.6sf

The Board reviewed Article VI Section 100-28 (G)5 and (H)1 (a)1.
The applicant's were unable to attend the meeting. Shari Riley, Code Enforcement Officer spoke on their behalf.
Shari: The applicant would like to put a second sign on their new addition. Originally, because this is a non-conforming use in the Ag zone, the code says signs need to comply with the requirements for signs in the CB zone. So the first variance request is to have a second sign, since only one sign is allowed per the code. The original sign that is there is 21.6 sf, the one that they want to put up is 16sf. so additional they are requesting a 12.6sf variance having gone above the allowable permitted square footage.
Paul S: Did they know when they first opened up that there was going to be an addition?
Shari: No. They opened that restaurant as is, as the Hollywood Bar was and did not make any changes. Let me state, I cannot speak for them, it is my understanding that they did not know about the addition.
The Board was satisfied with the requests.
A **Motion** was made by Paul Gargiulo to set the public hearing for next month, seconded by Tim Marion. All ayes.
The Planning Board had reviewed the sign and accepted the sign contingent upon the ZBA approval of the variances. Paul G. requested this in writing.

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43 Paul Gargiulo recused himself from the meeting.
44 Tim Marion took the chair.

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47 Administrative Business

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49 **Galm, William; Interpretation 599 Route 299 SBL#87.1-3-17 in LI zone.**

50 The applicant currently has a business of selling prefabricated homes. This is a non conforming use. Mr.
51 Galm would like an interpretation on his business. Is the selling of pre fabricated homes considered the same
52 use as the selling of pre fabricated sheds.

53 William Galm and Bob Mickelson were present for the meeting.

54 Shari: Mr. Galm is looking for an interpretation on whether or not selling the prefabricated homes on their
55 parcel on Route 299, which is in the LI-Light Industrial Zone, would be considered retail.

56 Mr. Galm: We have been selling there since 1964, it has always been Light Industrial we have always sold the
57 prefabricated homes and now we are looking to rent half of our office and have Mr. Mickelson sell sheds off of
58 the property.

59 Shari: The Building Department did an interpretation that the selling of the Modular Homes, because there
60 were not the actual homes there, that is where the discrepancy came in; now there will be actual sheds there
61 for them to sell. Again, if the zoning, by your interpretation, is the same it would be grandfathered in, because
62 retail is not allowed in the LI zone but office is. If you do make the interpretation that it is the same use,
63 selling sheds and selling manufactured homes, they would still have to go for site plan approval. This is just
64 the interpretation if the use, the zoning use is staying the same or changing significantly to a non-conforming
65 use. There is another option that they go to the Town Board and request a zoning change.

66 Tim: I do remember that there were houses on the site.

67 Mr. Galm: We have had up to five at one point and down to two.

68 Shari: I did speak to Mr. Galm and told him that if he was going to put two or three sheds that would be the
69 same use, but his intention is to put 10 to 15 sheds. The difference in the intensity of the use is the reason why
70 we told them to come for the interpretation.

71 Tim, yes I consider it retail.

72 Anthony, I agree if they grandfather it in.

73 Paul S, it makes sense to be grandfathered in it was there since 1964.

74 Shari: So what I am hearing you say is the interpretation of selling prefabricated homes and selling
75 prefabricated sheds would be the same use.

76 Anthony: You as the Code Enforcement Officer, what is your opinion.

77 Shari: Well, I had to deny it. The reason that we denied it was again because of the intensity of the sales.

78 There was nothing that customers were walking away with, there was now the intensity that there would be 10
79 or 15 sheds on the parcel that was not there. Again having to go for site plan approval with the Planning
80 Board, we felt that clearing this up beforehand, having them come here, would help in the site plan approval.
81 Otherwise, maybe the Planning Board would have wanted you interpretation anyway. The thing that ticked it
82 over was the extra volume of the sheds being there.

83 Anthony P: So who is saying this is grandfathered in?

84 Shari: Retail is not an allowed use in the LI zone, so if you are saying that this use is exactly the same, it
85 would continue that use.

86 Anthony: So the question is they have five house units maximum amount and now they are asking for fifteen
87 sheds, so that is the weight here the volume of fifteen as opposed to what?

88 Shari: And walking away with something or not.
89 Paul S: It is you go there to buy a house vs buying a shed and taking it away, there is a lot more frequency of
90 customers when you sell sheds as opposed to houses.
91 Anthony: Previously there were models that people would come and review and see their different options, so
92 they did not necessarily but that one it was just a model on the property. With the sheds, people will be in and
93 out.
94 Mr. Mickelson: Most of the sheds are pre-ordered, custom made, they are not usually taken off of the lot.
95 Anthoy: The shed place over on 9W, do you know what that is zoned?
96 Shari: He is either LB or Residential, he would also be a pre-existing non-conforming. This was probably
97 before zoning.
98 Tim: I consider this the same retail.
99 Anthony P: I agree.
100 Paul S: Yes. Me too.
101 Shari: So an interpretation will be made up.
102 Shari informed the applicants to draw up a site plan and add the surface coverage from the houses and the
103 proposed sheds. Submitt to the Building Dept. for review. You do need a Building permit for replacing the
104 sign. The Planning Board will also need to give sign approval which could be done next Thursday if you have
105 sign details in.

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107 Paul Gargiulo returned to the meeting.

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109 Administrative Business

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111 Approval of the minutes from the November 14, 2013 have been postponed due to absentees.

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113 A **Motion** to adjourn was made by Paul Gargiulo, seconded by Tim Marion. All ayes.
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