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**AYES:**            **NAYS:**            **ABSTENTIONS:**            **ABSENT:**  
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Date: _____	

**ZBA MEETING MINUTES**  
**TOWN OF LLOYD ZONING BOARD**

**Thursday, November 10, 2016**

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**CALL TO ORDER TIME:**    7:02pm

**PLEDGE OF ALLEGIANCE**

**ATTENDANCE**       Present: Anthony Pavese, John Litts, Alan Hartman, Paul Symes, Elaine Rivera, Anthony Giangrosso;  
                                  Deputy Building Inspector, Rob Stout; Planning & Zoning Board Attorney  
                                  Absent: Peter Paulsen, Paul Gargiulo, 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.**

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**New Public Hearing**

**Vedder III, Emmett, Area Variance, 840 N Chodikee Lake Rd, SBL#79.2-2-3.100, in R1 zone.**  
 The applicant would like to add an addition on to his home. He would like to add a 312 sq. ft. addition on to his home which would come 12 feet off of the existing house. He is requesting a 4.5 foot variance leaving a 10.5 ft south side yard setback. The applicant’s home has the septic system situated on the north side of the house with leach field and some ledge rock around the front and ledge rock across the yard leaving the south side of the house the obvious area for an addition. (Photos on file)

	<u>REQUIRED</u>	<u>ACTUAL</u>	<u>VARIANCE REQUEST</u>
<i>Side Yard</i>	<i>15’</i>	<i>10.4’</i>	<i>4.6’</i>

Emmett Vedder III, the applicant, was present for the meeting.  
 Emmett Vedder Jr., the applicant’s father, was present for the meeting.  
 The Board reviewed the additional photos that were requested at the last Zoning Board Meeting.  
 A **Motion** to open the public hearing was made by John Litts, seconded by Anthony Pavese. All ayes.  
 No public comment.  
 A **Motion** to close the public hearing was made by Anthony Pavese, seconded by John Litts. All ayes.  
 The Board discussed all other possibilites for this addition.  
 Anthony: There is no way to build out towards the rock legde and possibly use that as part of your foundation?  
 Emmett Jr.: No. There is a pumping leach system with a well tank. We talked about bumping out the side and using the garage but that is not at drainage level.  
 Emmett III: We attempted to chip that rock behind the house this past weekend and as we dug further down that rock went right to the foundation.

42 Alan: Have you considered building out in front of the garage?  
 43 Emmett: Then we would not have a driveway to park.  
 44 The Board would still like the letter from the neighbor.  
 45 After reviewing the options the Board went to the Decision. (See Attached)  
 46 The Board determined this is a Type II action, therefore SEQRA determination is not warranted.  
 47

48 Balance-of-Interests Test – Board of Appeals shall balance benefit to applicant with detriment to health, safety  
 49 & welfare of the community.

50 Board of Appeals shall also consider:

- 51 (1) Whether benefit can be achieved by other means feasible to applicant:  
 52 No. Ledge rock and the septic system make the other areas around the house unusable.
- 53 (2) Undesirable change in neighborhood character or to nearby properties:  
 54 No.
- 55 (3) Whether the request is substantial:  
 56 No. The Board does not consider a 4.5 ft. setback, relative to this property, substantial.
- 57 (4) Whether request will have adverse physical or environmental effects:  
 58 No.
- 59 (5) Was the difficulty self-created by the current or any previous owner?  
 60 Yes. The applicant would like to expand the living space for his family.

61  
 62 Alan: Doesn't this project require you to take out the corner of the building?  
 63 Emmett III explained that the exterior will be coming down to add the addition on.

64  
 65 A **Motion** to approve the variance request, with a condition of an approval letter from the neighbor, was made  
 66 by Anthony Pavese, seconded by Alan Hartman. All ayes.  
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69 **New Business**

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 71 **Highland Assisted Living At Village View, 1-9 Grove St, 88.69-1-10/11/12, in R1/4 zone.**  
 72 This project consists of a 18,310 s.f. expansion to an existing assisted living facility. The expansion will allow  
 73 a total of 80 beds and not more than 13 employees per shift. The required parking is 24 spaces, some of the  
 74 parking may be waived by the Planning Board. The proposed expansion will continue to utilize existing  
 75 central water and sewer facilities.  
 76 Please refer to the Letter of Intent.  
 77 The applicant is running a concurrent application with the Planning Board for siteplan approval.  
 78 The applicant is requesting two area variances. A Building coverage variance of 23.6% and lot coverage  
 79 variance of 53.8%. Presently the Building Coverage and Lot Coverage are pre-existing nonconforming. The  
 80 lot coverage variance request may be less should the Planning Board waive some parking spaces.  
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	<u>PERMITTED</u>	<u>EXISTING</u>	<u>VARIANCE REQUEST</u>	<u>Total Coverage</u>
83 <i>Building Coverage</i>	18%	19.5%	5.6%	23.6%
84 <i>Lot Coverage</i>	25%	40.8%	28.8%	53.8%
85		(With waiver)	25.6%	50.6%

86

87 Stu Mesinger AICP, with the Chazen Company, the applicant's representative, was present for the meeting.  
88 The Planning Board had circulated a letter on October 31, 2016 of intent to declare themselves as SEQRA lead  
89 agency while reviewing the proposed site plan. The Zoning Board discussed this and are in favor.  
90 A **Motion** to accept the Planning Board as SEQRA lead agency was made by Anthony Pavese, seconded by  
91 Paul Symes. All ayes.  
92 A letter will be sent to the Planning Board acknowledging this action was taken.  
93 Stu Messinger: The Highland Assisted Living at Village View would like to expand their facility. The  
94 approached the Town about this last year and the Town Board was in favor of that but the problem was that the  
95 property was zoned CB which does not allow assisted living facilities. The applicant's were successful in  
96 rezoning this to R ¼ in which assisted living facilities are permitted by special use permit. So that solved the  
97 Use problem we did not need to come and see you for a use variance but it created the need for some area  
98 variances. The R ¼ zone requires different setbacks than the CB zone. When they rezoned this it created an  
99 existing non-conforming lot coverage, building coverage and side yard setback. The applicant's own the next  
100 three lots, which have vacant houses, and what they would like to do is take the houses down and extend the  
101 facility out and add 34 beds. There are 46 beds now, adding the 34 beds would bring the total beds to 80.  
102 Because there is now more land to the side it eliminates the need for a side yard variance. Right now there are  
103 15 parking spaces; the parking requirements have us needing 24 parking spaces to meet code which is way  
104 more than we need because the people that live here do not drive. We did a parking count on a Friday, which  
105 is when people start visiting; the maximum demand was 8 spaces. The Planning Board actually said to us that  
106 we ought to ask for a waiver and have less parking. The site plan that you are looking at tonight (dated  
107 10/28/16) represents a waiver from the Planning Board, which has not been granted yet but they told us it will  
108 be. By doing a parking waiver we got rid of a potential variance, because the only other way to get the parking  
109 in here would be to put it in the front which would require a front yard variance. We solved a lot of the  
110 problems up front in terms of what we need to ask you for. It is not practically feasible to go up with this  
111 facility because of the way it has been constructed so we do not have that alternative. Because the R ¼ zoning  
112 district is really a small lot residential zoning district so their requirements are pretty strict. The building  
113 coverage requirement is 18% and the lot coverage requirement is 25%. But in this district it allows for a lot of  
114 non residential uses and this is one of them. Because the property is currently run down we believe this  
115 updated facility would be an improvement to the neighborhood.  
116 Attached is a zoning compliance Comparison chart to show what else, within a ¼ of a mile, is going on in the  
117 neighborhood that is out of character or unusual.  
118 John: In the original proposal they were thinking about keeping one or two of the existing buildings, is this  
119 still in the proposal?  
120 Stu: No. They would all come down. There were two neighbor concerns one is the funeral home and their  
121 concern is about the fence and the other concern was with the neighbor on the other side and by adding the lots  
122 and taking all of the houses down we have a pretty good buffer.  
123 John to Dave Plavchak, Chair of the Planning Board: Is the Planning Board doing a drainage feasibility study,  
124 he is going for more lot coverage which is a lot issue. Are you looking into that because that will be a question  
125 that we have for lot coverage?  
126 Dave P: That will be part of our review. That is also another reason why we intend on granting a parking  
127 waiver.  
128 Paul S: How do we address all of the concerns that neighbors had when this was first proposed?  
129 John: This application has been revised so we will look at this with fresh eyes. A public hearing will be set  
130 and I am sure we will hear their concerns again.  
131 Alan: What can you tell me about the fence? Is it a buffer fence or a security fence?

132 Stu: I would describe it as a visual screen. We have provided the Planning Board with detail of the fence but  
133 they have not gotten into any kind of review of that detail yet. The main issue with the Torsones is that it is  
134 just an ugly fence. It fell down over the summer and laid there for a couple of months. The owners have  
135 reached an agreement with the Torsones on what kind of a fence will go in.  
136 Alan asked for additional fence details but was informed that the fence is not part of the ZBA variance  
137 requested. The Planning Board will review the fence during site plan review.  
138 Paul S: I think that is a valid point what Alan brought up because one of the questions we have to consider is  
139 the character of the neighborhood.  
140 A **Motion** to set the public hearing for December 8, 2016 was made by John Litts, seconded by Alan Hartman.  
141 All ayes.  
142 The public hearing is set for December 8, 2016.  
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145 **Administrative Business**

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147 **Minutes to Approve:**

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149 A **Motion** to accept the minutes from the September 8, 2016 meeting was made by John Litts, seconded by  
150 Paul Symes. Alan Hartman – Aye, Anthony Pavese – Aye, John Litts – Aye, Paul Symes – Aye, and  
151 Elaine River – Abstained.

152 A **Motion** to accept the minutes from the October 13, 2016 meeting was made by Elaine Rivera, seconded by  
153 Alan Hartman. Elaine Rivera – Aye, Alan Hartman – Aye, Anthony Pavese – Aye, John Litts – Abstained,  
154 Paul Symes – Abstained.  
155

156 A **Motion** to adjourn was made by John Litts, seconded by Paul Symes. All ayes. 7:42pm