

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
Date: _____	

ZBA MEETING MINUTES

TOWN OF LLOYD ZONING BOARD

Thursday, March 12, 2015

CALL TO ORDER TIME: 7:04pm

PLEDGE OF ALLEGIANCE

ATTENDANCE Present: Chairman; Paul Gargiulo, John Litts, Tim Marion, Paul Symes, Alan Hartman, Anthony Giangrasso, Deputy Building Inspector
Absent: Anthony Pavese, Peter Paulsen

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

Burdash, Peter 131 S Riverside Rd. Variance for front yard shed; SBL#87.2-8-16.121 in R1 zone.

The applicant would like a variance allowing a 10'x14' shed in his front yard. Peter Burdash, the applicant, was present for the meeting. The Board reviewed a sketch that was submitted as well as photos of the sheds placement. They also looked at photos of the backyard.

Paul: How did you get a building permit to put this on your property?

Mr. Burdash: The map I submitted was misinterpreted.

Anthony: Just to refresh everybody's memory; when we get an application we ask for a cut sheet of the building so we know what it looks like. We will ask the applicant to stake it out so that we know where the shed is going and we will do a site inspection.

Tim: Who would usually do the site inspection?

Anthony: It could be Dave, Shari or I.

John looked over the sketch that was initially presented to the Building Dept. and the one that was submitted to the Zoning Board and noticed there was a difference in the sketches.

Anthony: I think that under the initial review it was assumed the shed was in the rear of the yard. It is a small shed 10'x14'.

Scott Saso, the applicant's representative: It was staked out and made sure it was off the property lines before the pad was put in. That Building Permit was issued. If you look at the photos of the rear yard it is sloped that is why the house was put where it is. You would have to put a 4ft. retaining wall somewhere in the back to be able to put the shed in.

Anthony: If there had been a site inspection on this, which I am going to say there wasn't, that would not have been allowed. Tim: This was approved. So he spent the money on the pad, spent the money on setting the shed and now after it is approved they are going to tell him he has to move it at his own expense. In my opinion it should be at the Building Department's expense.

42 The Board talked about setting precedent and a similar variance having been given on Grand Street.
43 Paul: The applicant owns the property so he does not mind having the shed in his front yard.
44 Mr. Burdash: The house right next door is my uncle.
45 Paul: Who owns the Cappelino house?
46 Mr. Burdash: No one right now, it is in foreclosure. Also the house across the street is empty.
47 Anthony: A little background into the variance given to Mr. Valentine he had all electric run to his shed.
48 Paul: There was no other room for him to even squeeze his shed into.
49 Anthony: I believe on the Valentine application there was also a discrepancy on the property line.
50 Scott: That was part of an application he had come in for a lot line revision with Lanzarone. Your Building
51 Dept. will catch 99% of them but this is one of them that they did not catch. I don't know that you are going to
52 get a whole bunch of applications of people wanting sheds in their front yards.
53 Tim: It was approved and it has been installed, I would leave it alone.
54 Anthony: Just because it is approved doesn't make it right.
55 The Board discussed alternate locations for the shed and talked about the steep slope on the side of the house
56 and yard.
57 Paul S: When you look at the sketch submitted you can see how the error was made. It says 131 S. Riverside
58 Rd., which would make one think that is the address not the street name. (It does not say the road is up here)
59 As you look at the way the sketch is done it looks like they are asking for the shed in the rear yard.
60 Tim: I agree with that but as a building department you would think you would do your homework and say 'is
61 this the front yard or the back yard' ?
62 John: You are right but there is culpability on both sides.
63 Paul G. made the recommendation that the applicant think of an alternate location for the shed.
64 A **Motion** was made to set the public hearing by Paul Gargiulo, seconded by Tim Marion. All eyes.
65 The public hearing has been set for April 9, 2015.
66
67 **New Village View 1 Grove St. Variance for expansion; SBL#88.69-1-10 in CB zone.**
68 The proposed application is for an expansion of an existing assisted living facility.
69 Section 100-17C (1) - Expansion of a non conforming use. A 50% expansion is allowed. The proposed
70 expansion exceeds 50%.
71 The applicants were last here on August 14, 2014.
72 This site plan has been revised to include additional property and a revised parking configuration.
73 Mr. Barry Terach AIA, the applicant's architect, was present for the meeting. Mr. Philip Schonberger, the
74 applicant, was present for the meeting.
75 Anthony: Just so everyone is on the same page this is a non-conforming use in the CB zone. They are allowed
76 to expand 50% of the building floor area.
77 Mr. Terach informed the Board that they have acquired another lot, so that two additional lots are included in
78 this revised plan.
79 Tim: Wouldn't it be easier to go up?
80 Mr. Terach: I don't think so, partly because I don't know that the footings would take it frankly. I asked about
81 floor area vs. perimeter for the sake of discussion regarding this sheet. (Square footage calculations were
82 drafted and distributed by Mr. Terach)
83 Paul: Your calculations do not show the basement square footage, which is good because that is not counted
84 as usage that we are expanding. You put in first floor, second floor as each having 6700sf giving a total of
85 13,500sf. The last time you showed us the basement as part of that square footage where technically (did not
86 finish)
87 Mr. Terach: Technically it is not.

88 Paul G: The proposed 2,200sf of basement, there will not be any beds just storage?
89 Mr. Terach: Absolutely correct just bulk storage; there is not a single bed that will be in there.
90 Paul: (Looking at Mr. Terach's calculations) you have 10,000sf for the two floors so your calculations are
91 over by 2,000sf.
92 Mr. Terach: I did not see where it discounted the basement or the basement was excluded.
93 Paul: I am discounting the basement because we are not expanding the use. The use is the beds or the people
94 using the area, the living space.
95 Mr. Terach: It will be used for the heating plant, laundry and storage.
96 Paul: Besides the square footage we would like to see how many more beds will be added.
97 Mr Terach: There are currently 46 beds.
98 Paul: Is this the recommended amount of beds through state law?
99 Mr. Schonberger: We have what was recommended then, when it was first licensed.
100 Paul: What would you like now?
101 Mr. Schonberger: 80 beds.
102 Mr. Terach: We are looking to add 34 beds. Before we came to this Board the applicant had gone through a
103 state process that has taken seven years of investigation and discovery of need.
104 Paul: Besides the 50% we do take into consideration the cost factor and dollar value to recuperate your
105 money.
106 Mr. Terach: There is definitely an efficiency of operation.
107 Paul: So we understand that sometimes you cannot go with the standard numbers.
108 Mr. Terach: I guess the point I was trying to make is that out of the entire County this is the only facility that
109 got approved for anything.
110 Paul: You are looking to add 34 beds, 23 beds would be at the 50% increase. What increase in percentage
111 would the 34 beds be?
112 John: You are going beds to square feet. You are using beds as one number and square footage as another.
113 Paul: We are trying to find a line here.
114 Mr. Terach: To answer your question, 100% of what we are permitted to do is the 23 beds.(Which would be
115 the 50% permitted) We are looking to do another half of that to do the 34 beds.(adding the additional 11 beds,
116 $23+11=34$) We are asking for half of the amount of what we are permitted.
117 Paul: So you are looking for 25% over the code.
118 Paul S: Which would be a 74% increase.
119 John: Your proposal says all existing outbuildings will be removed per site plan. So you will be removing this
120 last house? (Talking about 9 Grove St)
121 Mr. Terach: We would take input on if you would prefer to see that stay residential.
122 John: I wanted to see where we were at as far as site coverage or lot coverage.
123 Mr. Terach: I do not think we exceed that but if the Planning Board wants that to remain residential in nature,
124 that lot, we can leave that house there and maintain it. Or we can remove it and put a little park area with some
125 benches. I know it is not part of the calculations but the lot was bought to give more area for the building.
126 Paul: As a deeded parcel I would like to see the whole parcel as non-conforming as one piece of property.
127 Mr. Terach: We will combine all of the parcels into one and see what the Planning Board recommends about
128 the house.
129 John: What is the increase in square footage for the 11 extra beds?
130 Anthony: 13,660sf is what we have existing, 6830sf would be at the 50% increase.
131 The Board did calculations and came up with a 75% increase in square footage.
132 Paul S: That is the same increased amount when you calculated the increase in beds going from 46 to 80; it
133 was also about 75%.

134 The Board discussed the additional parcels and the proximity to downtown; they will look for the Planning
135 Board's recommendations.

136 Mr. Schonberger: When the Department of Health issues the licenses they look at the area and what they saw
137 was there are people who need care but should not have to go to a nursing home. This was established for the
138 people in this neighborhood to stay in this neighborhood. It is called Living in Homestead Law. As the
139 population gets older they saw that this neighborhood could use more assisted living. This will keep people
140 out of the nursing homes and saves Medicaid a fortune of money. They gave us this approval because they
141 saw the need in this community.

142 Paul G: I do like the 75% over the 100% increase.

143 Anthony G: Keep in mind that this is a non-conforming use in the CB zone. So it was not allowed to begin
144 with but it is there.

145 John: Along with that, they took something that already is non-conforming and bought the property along side
146 of it to expand. But I do like what they are proposing better than what is currently there.

147 Paul: I think you should put a cost value on the project, and you probably did that already to get that it would
148 be 80 beds that would work. Everyone wants to make the maximum amount of money that they can for the
149 amount of space that they have, but the out lay has to correspond to the input. So if we tell you we are only
150 going to give you 70%, sometimes the cost factor of the project outweighs your input and you cannot do it.
151 We take everything into consideration, this is a non conforming use but you are making everything nicer.

152 Mr. Terach: When we first proposed this it was literally a product of the efficiency of the operation and the
153 state's needed determination, it hit me in the head when I found out this was non-conforming. We were not
154 going for maximum site build out, this was the project we wanted to build and then we found out it was non-
155 conforming. My point is we were not trying to max the site out. This is the efficient operating facility.

156 John: It is a lot nicer since you bought the third parcel.

157 Mr. Terach: I know it does not come into the calculations as we would like it to but we are trying to make the
158 best thing out of it we can.

159 Paul: We want something that is nice to stay nice and you do need the right amount of income to keep it nice.

160 Mr. Schonberger: A little bit of the square footage is existing for the 46 people that are there, since they are
161 getting a little older we need to give them some more room. We are on two shifts for meals. We really need
162 this to improve the quality of life for them, a new dining room and more room for recreational is needed.

163
164 A **Motion** was made to schedule the public hearing for April 9, 2015 by Paul Gargiulo, seconded by Tim
165 Marion. All ayes.

166
167 The ZBA will recommend to the Planning Board that the houses be removed during site plan approval.

168 **Administrative Business**

169
170
171 A **Motion** was made to accept the minutes from the November 13, 2014 Zoning Board Meeting by Tim
172 Marion, seconded by Paul Symes. All ayes except Anthony Pavese, he abstained.

173
174 A **Motion** was made to accept the minutes from the December 11, 2014 Zoning Board Meeting by John Litts,
175 seconded by Tim Marion. All ayes except Paul Symes, he abstained.

176
177 A **Motion** adjourn was made by Tim Marion, seconded by John Litts. All ayes. 8:01pm.

178
179