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ZBA MEETING MINUTES
TOWN OF LLOYD ZONING BOARD

Thursday, July 9, 2015

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CALL TO ORDER TIME: 7:00PM

PLEDGE OF ALLEGIANCE

ATTENDANCE **Present:** Chairman Anthony Pavese, Paul Gargiulo, Paul Symes, John Litts, Alan Hartman, Shari Riley Code Enforcement Officer
Absent: Peter Paulsen, Tim Marion

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

Kelley "Stonehouse Gardens"; 227 South St., SBL#86.4-3-42, in A zone.

The applicant would like a 48"x38" sign with light for their barn venue business. Four square feet is permitted for this venue. The applicant is requesting a variance of 10 square feet.

Mr. Kelley was present for the meeting. He brought the actual sign along with him.

Copies of the approved siteplan were distributed to the Board.

Shari explained to the Board that the applicant had come before the Planning Board and was granted a special use permit for an events venue in a barn. This is a Home Occupation II which only allows a sign with a size of 4 sq.ft. There was a discrepancy in the size of the sign, the sign measures 48" x 28", so the applicant is requesting a variance of 2.28 sq.ft. The sign meets all of the set back requests.

Paul S: If it is 48'x28' that is 9.3 sq.ft.

Shari: That is true but, this sign is not a square. The calculations were done by an app that takes this shape into consideration which was done by the applicant.

Mr. Kelley: There are no other houses nearby. The sign is set back on a turn and will not block anyone's view; there is a little garden of trees there that this will sit in front of. My plan is to have two posts and a cross piece, the sign will not be there all of the time. It will be there for an event or when people want to see the place that may be interested in an event. We live here so I do not want to leave the sign out all of the time and people come to my house thinking it is a commercial venue. Both my wife and I work; this is for an adjunct business. We have a nice property and would like to use it to make a little money to help pay our taxes.

Alan: Is this considered a temporary sign or a permanent sign?

Shari: Through the Building Department we would give him a permit for a permanent sign.

Mr. Kelley: I would like to have a permanent variance because there will be permanent posts. The sign will be removable.

42 Shari: Yes.
43 John: As far as the lighting on the sign, will it be lit all night?
44 Mr. Kelley: It would only be lit while we are having events. There is no reason to have it lit otherwise.
45 Anthony: this would be a non-illuminated sign?
46 Shari: It is interior illumination of which the code is speaking of.
47 Mr. Kelley: I may use one of those battery type lights. I think it would be a good idea to have it illuminated
48 when we are having events.
49 John: Is that the definition of illuminated in our code? Exterior lighting is not illuminated? I do not have an
50 issue with you having a light I just want clarification of what we consider illuminated.
51 Shari: I have the definition of luminance. But to be clear that was part of the siteplan approval we would be
52 enforcing anything the Planning Board said about the light. This is just the size variance.
53 John: If the definition of luminance is external lighting the Planning Board could not grant that we would have
54 to.
55 Shari: It says: ***luminance the emitted or reflective light on a surface.***
56 John: If that is the definition then they would need a variance from us.
57 Mr. Kelley: We want to make sure we have all of the approvals that are appropriate.
58 After continuous discussion the applicant will need a variance for the light also.
59 Shari: You can include this in your motion. Also what I am not sure of is the Planning Board can adjust
60 certain things during siteplan approval. I will check on this.
61 Paul G: I would like to make the suggestion that in the residential zone there are some restrictions on the type
62 of lighting that can be used.
63 Shari: They have all of that information in the code for standard signage.
64 Anthony: Does it have the hours too?
65 Mr. Kelley: Our venue has a time limit to 11:30pm.
66 Shari read about Lighting and Shielding. She informed the Board that shielding requirements are done with
67 the Planning Board.
68 A **Motion** was made to set the public hearing for September 10, 2015 by John Litts seconded by Paul
69 Gargiulo. All ayes.
70 The applicant will be away for the August meeting so the Public Hearing is set for September.
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Extended Public Hearings

New Village View; 1 Grove St., SBL#88.69-1-10 in CB zone.

76 The proposed application is for an expansion of an existing assisted living facility.
77 Section 100-17C(1) - Expansion of a non conforming use. A 50% expansion is allowed. The proposed
78 expansion exceeds 50%.
79 The applicant requested an extension until Feb. of 2016. See attached letter.
80 A **Motion** made by Anthony Pavese, that the Applicant having requested in a letter dated July 8, 2015 that the
81 application to the ZBA on behalf of the New Village View Assisted Living Facility be adjourned until
82 February 2016 meeting of the ZBA and having consented to the continuation of the public hearing until
83 February 11, 2016 at 7:00 p.m.; the ZBA hereby agrees table the review of the application and to keep the
84 public hearing on the application open and with the consent of the Applicant to adjourn the public hearing until
85 the February 11, 2016 meeting of the ZBA where upon, if the application has not been withdrawn, the ZBA
86 will hold the continued public hearing at 7:00 p.m. was seconded by John Litts. All ayes. Motion Granted.
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88 **Administrative Business**

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90 **Minutes to Approve**

91 A **Motion** to approve the minutes from the May 14, 2015 ZBA minutes was made by Anthony Pavese,
92 seconded by John Litts. All ayes.

93
94 Alan: I wonder if something can be sent for zoning code review. For instance if someone has a house 1000ft.
95 off of the road and they want a shed 500ft. off of the road; you cannot do it.

96 John: That is why we are here.

97 Anthony: Terresa also said that we should find reasons why to approve these types of things. Not to go
98 against what the law says but for us to interpret exactly what Alan is saying. If the house is 1000ft off of the
99 road and he wants to put the shed 500ft off the road – what difference does that make?

100 Shari: I think the thing that clarified this for me as well was when Terresa was here in May and also at the Tri-
101 Board meeting. It was always told to me to be careful of setting precedent. At the Tri-Board they were all
102 very clear that when you guys set a variance you are not setting a precedent. You give a variance because each
103 situation is unique.

104 Paul G: One other thing you need to keep in mind is the character of the neighborhood. For instance someone
105 down the road has a detached garage in front of the house, five lots the other way someone has a horse barn in
106 front of the house; this is the same scenario. If you have a neighborhood that has all single family houses with
107 no accessory buildings in the front yard you may not want to change that if he has anywhere else possible for
108 placement. I am not saying I would deny something, I am just saying I would look very hard at it because it is
109 not in the characteristic of the neighborhood.

110 The Board continued discussion.

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112 A **Motion** to adjourn was made by Paul Gargiulo, seconded by Paul Symes. All ayes. 7:35p.m.

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