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ZBA MEETING MINUTES
TOWN OF LLOYD ZONING BOARD

Thursday, August 14, 2014

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CALL TO ORDER TIME: 7:00pm

PLEDGE OF ALLEGIANCE

ATTENDANCE Present: Paul Gargiulo; chairman, Paul Symes, Peter Paulsen, Michael Guerriero; Town Board
Liaison, Shari Riley; Code Enforcement Officer
Absent: Tim Marion, Meredith Engle, Anthony Pavese, John Litts

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

New Village View, 1 Grove St, Area Variance; SBL#88.69-1-10, in CB zone.
The proposed application is for an expansion of an existing assisted living facility. The applicant would like to expand an existing assisted living facility which is currently 13,660 sq ft by an additional 13,150 sq ft.

ALLOWED	REQUESTED	VARIANCE
6830 sq ft	13,150 sq ft	6320 sq ft

The applicant’s representative, Mr. Anthony Trochiano with Pietrzak & Pfau Engineering & Surveying PLLC, was present for the meeting.

Shari: The applicant is requesting to expand the nursing home right here on Grove St. In the CB zone an assisted living is not allowed, it is a pre-existing non-conforming use. A non-conforming use can be expanded on but only by 50%. They are combining two lots, and are in front of the Planning Board for site plan, they can not continue with the Planning Board for site plan unless they are granted a variance. They are requesting an almost 100% expansion. Just for your information they are right next to the R ¼ zone, and assisted living is allowed in the R ¼ zone.

Mr. Trochiano: I am the design engineer for the project. I do not have direct contact with the owner of the property because we are working through our architect and he does. When they developed the additional building they were unaware of the maximum requirement of 50% or non-conforming uses. They prepared architectural for this building to meet, what the owner thought, would best meet their needs. Without this variance we would need an architectural redesign.

Paul: We are not locked out of giving you more than the 50%. We would like to see an expansion within reason. But, you will need to show where the hardship is because you are putting on the addition.

Paul S: Why don’t you just buy a lot somewhere else? Have two separate buildings?

Mr. Trochiano: I think that the owner would rather redesign the whole thing and keep it on the same property.

42 Shari: How many beds are in there? It shows on the map that there are 80 total.
 43 Mr. Trochiano: If you go by the definition it is a 100% expansion. Just to play devils advocate for a minute
 44 from my side of the table, 3000 sf of that will be just basement storage. If you did not count that it would be a
 45 74% increase. Maybe I could suggest, to the owner, that they get rid of the storage?
 46 Paul: Techincally if you want more than 50% you will have to show us why you cannot get an economic
 47 return for the space.
 48 Mr. Trochiano: That is something that the architect and owner will need to work out to show to you.
 49 Peter: The question I am asking myself is does the current proposal make sense to the community? If it is cut
 50 back to a certain percentage what is it that they are not going to get?
 51 Paul: If there is such a great need, someone would buy a piece of property and build there. We have codes
 52 and laws to follow. He is here to get relief and I do not know what his relief is.
 53 Peter: What if the storage area was eliminated?
 54 Mr. Trochiano: If we got rid of the basement it would be a 74% increase. I know they did the basement for a
 55 reason, eliminating it is up to the owners.
 56 Paul S questioned the ownership of the existing two story houses that are abutting the assisted living facility
 57 and was informed that the owner of the facility has owned those properties for some time.
 58 The Board discussed the amount of variance requested.
 59 Mr. Trochiano: As a representative of the applicant I understand that the burden is on us to prove why we are
 60 requesting this and why there is a hardship, so that is what I will bring back.
 61 Paul: Nothing in this Town is written in stone, but we try to keep the code consistant.
 62 The applicant's additional requests can be waived by the Planning Board with site plan approval.

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 64
 65 **Passante, Jeff and Dawn, 847 N Chodikee Lake Rd, Area Variance; SBL#79.2-2-2.120, in R1 zone.**
 66 *The applicant would like to createa 2 lot subdivision in a R-1 zone. Lot 2 needs one buildable acre to meet the*
 67 *dimensional codes. Once the wetlands and buffer is removed, lot 2 has .69 buildable acreage. A variance of*
 68 *.31 acres is required.*

REQUIRED	REQUESTED	VARIANCE
<i>1 acre</i>	<i>.69 acre</i>	<i>.31 acre</i>

71
 72 The applicant was not present.
 73 The Board reviewed maps prepared by Donald Brewer, P.L.S., dated 8/8/14 of this proposed two lot
 74 subdivision. This application was first presented to the planning board for a two lot subdivision but applicant
 75 did not have the calculations met on the buildable acreage so it has been referred to the ZBA.
 76 Shari: In the R1 zone you need one acre of buildable acreage; buildable acreage removes out wetlands, steep
 77 slopes and the wetlands buffer. The engineer has calculated and they are .31 acre short. All in all lot #2 has
 78 2.816 acres, but their buildable acreage is only .69 of an acre. They are requesting a little over a quarter of an
 79 acre 31. The applicant's position is that many of the subdivisions in this area have surrounding lots with
 80 houses up front, as shown, with the same wetlands and the same buffer in the back.
 81 Paul: Lot one is very large.
 82 Shari: The applicant lives on lot one. I do not know how they picked that line, right now they live on the
 83 whole lot.
 84 Paul: I believe if they move that line over 12 feet they would meet the buildable acreage.
 85 The Board reviewed the maps and has questions for the applicant about setbacks and a shed on proposed lot.
 86 Shari: When this subdivision proposal map was drawn up part of the reasoning that they did not think it would
 87 be a problem, is because of subdivisions that happened before this.

88 Paul: Set precedence.
89 Shari: They were smaller than the acre requirement for a buildable lot and no one has an answer as to why that
90 was done. None of us were particularly involved then. In her mind she never considered there being a
91 problem.
92 This information will be given to the applicant.
93
94 Approval of Meeting Minutes will be postponed due to quorum.
95
96 A **Motion** to adjourn was made by Peter Paulsen, seconded by Paul Symes. All ayes.
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