

ZONING BOARD OF APPEALS
TOWN OF LLOYD
AGENDA

Thursday, March 14, 2019

New Submission Date: April 1, 2019

Next ZBA Meeting: April 11, 2019

CALL TO ORDER TIME: 7:00 PM

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS: GENERAL, NO SMOKING, LOCATION OF FIRE EXITS, ROOM CAPACITY IS 49, PURSUANT TO NYS FIRE SAFETY REGULATIONS. PLEASE TURN OFF ALL CELL PHONES.

Extended Public Hearing

Budnik, John & Debra, 289 Hurds Rd, SBL# 94.2-1-4.120 in A Zone.

Applicant is seeking an area variance relief of .97 acres and a use variance for an accessory apartment (accessory apartments are not allowed to be constructed in an accessory building) in their detached 28 x 24 sq. ft 2-story building on the parcel.

The Board requested pictures, a survey and a site plan.

100-42 Accessory Apartments:

1. One accessory apartment per single-family dwelling shall be allowed by special use permit within a principal building as provided in the [Use Table](#),^[1] provided that:
 - A. The principal dwelling on the premises is owner-occupied. For purposes of this section, the principal dwelling is defined as a detached single-family dwelling.
 - B. The lot containing the accessory apartment contains the minimum acreage for the zoning district as set forth in the [Dimensional Table](#).^[2]
 - C. The accessory apartment shall not be counted as a residential unit for the purposes of determining density.
 - D. The accessory apartment is self-contained, with separate cooking, sleeping, and sanitary facilities for use by the occupant(s).
 - E. The accessory apartment shall have only one bedroom or be a studio apartment, and no other space shall, in the opinion of the Planning Board, be so configured that it could be used as a second bedroom (i.e., a den, a sewing room, etc.).

F. The accessory apartment is subordinate to the principal residence and contains no greater than 650 square feet of gross floor area and no less than 400 square feet of gross floor area.

(1) Area shall be measured from the outside of exterior walls and from the center line of interior walls. It shall include all spaces accessible to the unit, including hallways, bathrooms, closets, etc.

(2) The six-hundred-fifty-square foot limitation may be adjusted, with permission of the Planning Board, to reasonably accommodate the existing shape of the area being converted to the accessory apartment.

G. Off-street parking shall be provided in accordance with § [100-29](#).

H. Approval has been granted by the Ulster County Health Department for any required on-site sanitary or water supply system, including, as may be applicable, a determination that the water supply and sewage disposal facilities are adequate to accommodate the additional demands of the accessory apartment.

I. Any additional exterior entrances that may be created for the principal structure shall be located at the side or rear of the structure.

J. If a secondary structure (garage, carriage house, etc.) is used to house the accessory apartment, the following conditions must be met:

(1) The secondary structure must have its use related to the principal dwelling (i.e., the garage must be primarily used for parking cars, storage, etc., of the principal dwelling).

(2) The accessory apartment must be a secondary use of the secondary structure.

(3) The accessory apartment must comply with the limitations and requirements listed above for accessory apartments.

(4) The secondary structure must, in the opinion of the Planning Board, architecturally mirror and enhance the appearance of the principal structure (i.e., siding should match, windows and doors should be similar in appearance and trimmed appropriately, etc.).

(5) The secondary structure must conform with the side yard setbacks of a principal dwelling, regardless of the secondary structure's preexistence to setback requirements.

(6) If an accessory apartment is created through the conversion of an accessory structure more than 50 years old, the conversion shall be accomplished in a manner that preserves the historic architectural features of the structure.

K. Site plan review shall be required for an accessory apartment.

L. The applicant acknowledges, in writing, to the Town of Lloyd the understanding that, should the parcel be sold, the Town Code Enforcement Officer is authorized to conduct a site visit to verify that the accessory apartment is in compliance with the conditions of the special use permit issued for the property.

New Business

D & D Auto, 3537 Route 9W, SBL# 88.69-3-12.100 in GB Zone.

Applicant is seeking a commercial area variance for lot coverage relief of 27% to construct a 3600 sq. ft (30'x120') building on a 0.67-acre parcel to store auto parts. The maximum lot coverage of the parcel is 40% and the building actual will be 67%. Applicant is also seeking a rear yard setback relief of 13'8" (actual 11'4") where the required rear yard setback is 25'. The existing driveway entrance Rt.9-W (south) will be used to access the proposed building and parking area. Any new storm water discharge will be directed to the existing storm water system located on the parcel, as designed by a NYS Professional Engineer.

Minutes to Approve: January 10, 2019