

**ZONING BOARD OF APPEALS**  
**TOWN OF LLOYD**  
**AGENDA**  
**Thursday, January 10, 2013**

**CALL TO ORDER TIME:** 7:00pm

**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.**

**MINUTES TO APPROVE** October 11, 2012 and November 8, 2012

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**New Business**

**Gunk Haus, FRONT YARD SETBACK VARIANCE; 387 South St, SBL#94.2-2-11, in A zone.**

The proposed addition will incorporate a new entrance to the restaurant and still provide an area to the side where the retail sales could be displayed and sold to the public. The proposed area is 15ft by 20ft wide, attached to the existing building. It has been designed to utilize retail display cases, an area for the cash register, and wall racks for the display of the breads and similar items.

The existing structure is currently pre-existing non-conforming to the agriculture zone. The front yard setback is currently 16 ft as shown on sheet 2 of the plans. The proposed addition will result in a 6.7 foot and 11.0 foot setback from the Highway boundary. The handicapped parking area, as well as all other areas of access or egress, is not affected. The facade of the addition will blend in with the current architecture of the restaurant.

<b><u>Front Setback</u></b>	Required	Actual	Variance needed
	30'	6.7'	23.3'

**§ 100-13. Area and bulk regulations.** (See Dimensional Table attached)

A. The general area and bulk regulations in each zoning district are set forth in the Dimensional Table, which appears at the end of this chapter.

B. This table is supplemented, as appropriate, by other provisions of this chapter.

C. Buildable acreage.

(1) Permissible residential density for any parcel shall be based upon the parcel's buildable acreage. The applicant shall demonstrate the buildable acreage by subtracting from the total (gross) acreage of the proposed development parcel(s) the acreage of "unbuildable natural features."

(2) Unbuildable natural features consist of wetlands and any required one-hundred-foot adjacent areas, water bodies, watercourses, lands within a FEMA-delineated one-hundred-year floodplain, cemeteries, steep slopes (2,000 square feet or more of contiguous sloped area at least 10 feet in width), and acreage subject to a long-term easement that expressly prohibits development. In addition, a fifteen-percent allowance for roads, drainage features, and lot shape irregularities shall be deducted from the unconstrained acreage. Permissible residential density shall be based on the amount of acreage that remains after deducting the acreage of unbuildable natural features and the roadway/drainage allowance.

(3) The Planning Board's determination as to permissible density shall be based on a certified survey of the parcel(s) and delineation of the unbuildable natural features by a licensed land surveyor and by a tabular presentation by the land surveyor of the gross site acreage and each of the subtracted land areas set forth above.

### **New Business**

**Troy's Auto Body, Commercial SIGN AREA VARIANCE 3430 Route 9W, SBL#88.1-6-13, in GB zone.**

The applicant would like a 12.3 sq. ft. variance for a wall sign in a GB zone. The establishment's front building wall length is 66', therefore one square foot per three linear feet of the 66' is 22 sq. ft.

**Required: 22'                      Actual: 34.3'                      Variance: 12.3'**

### **§ 100-28. Signs.**

**H.** Permanent signs within other districts.

(1) Central Business and Waterfront Business Districts.

(a) Not more than one primary sign per establishment. Such sign shall be located on the establishment's principal facade and shall be one of the following sign types:

[1] Wall sign not more than one square foot per three linear feet of the establishment's principal facade or a maximum of 25 square feet, whichever is less; or

[2] Projecting sign not more than six square feet per face; maximum projection of four feet from the building face; minimum clearance from the ground eight feet and maximum clearance 10 feet.

(b) In addition to Subsection **H(1)(a)**, not more than one accessory sign per establishment, which shall be one of the following sign types:

- [1] Window signs not more than 20% of the total window area of the principal facade. Lettering up to eight inches high.
- [2] Awning signs projecting at least five feet into the sidewalk but no more than seven feet. Lettering up to six inches in height and on the valance only. The extent of lettering may cover a maximum of eight feet in width or 50% of the valance width, whichever is less.

(c) Signs for lawful residential uses shall comply with the requirements of § **100-28G**, Permanent signs within residential and agricultural districts.

(2) Designed Business District and General Business District.

(a) For lots with a single stand-alone business establishment, the following signs shall be permitted:

- [1] Not more than two wall signs, which shall be located on the establishment's principal facade. The total sign area of all wall signs shall not exceed one square foot per three linear feet of the establishment's front building wall length or a maximum of 50 square feet, whichever is less.
- [2] Not more than one monument sign with a sign area no larger than 50 square feet per face and a height maximum of six feet (including the base). The sign must be set back 15 feet or more from the edge of pavement and must be fully located on the applicant's property.
- [3] One sign at each point of access to the lot, for internal direction, shall be permitted, provided that the individual signs are no more than two square feet per face and are limited to generic text such as "entrance," "exit," "office," and "parking." Permits will be granted only if the applicant can clearly demonstrate necessity to the Planning Board based on motorist safety and that any such on-site directional sign will be set back at least five feet from any public right-of-way or property line.