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TOWN OF LLOYD ZONING BOARD OF APPEALS

**Resolution Granting Variances to
Stewarts Shops Corp.**

August 12, 2021

WHEREAS, Stewarts Shops Corp. (the "Applicant") has applied to the Town of Lloyd Zoning Board of Appeals ("ZBA") for variances to redevelop lands as a convenience store with self-service gasoline (the "Project") involving property designated SBL ##96.9-1-32.100, 96.9-1-32.200 and 96.9-1-33.100 located at 3733 NYS Route 9W in the Town of Lloyd, Ulster County, New York; and

WHEREAS, the Site is located in a Highway Business District zoning district designated by the Town of Lloyd Zoning Code (the "Zoning Code"); and

WHEREAS, the Applicant has applied for area variances pursuant to the dimensional requirements of the Zoning Code as follows:

Zoning Code	Permitted	Proposed	Variance Requested
§ 100-13(A) and Dimensional Table	Lot Coverage – 40%	Lot Coverage – 59%	Lot Coverage – 19%
§ 100-28(H)(2)(a)(2)	Sign Height – 6'	Sign Height – 7'10"	Sign Height – 1'10"

WHEREAS, the ZBA's action on the Applicant's Project is an Unlisted action pursuant to the New York State Environmental Quality Review Act and its implementing regulations in 6 NYCRR Part 617 (collectively, "SEQRA"), and the ZBA has determined that no significant adverse environmental impact will occur so no environmental impact statement will be prepared; and

WHEREAS, the ZBA referred the Project to the Ulster County Planning Board ("UCPB") for comment as required by General Municipal Law § 239-m and, as requested by the UCPB, the ZBA has explored alternatives with the Applicant for addressing potential stormwater impacts, including minimizing the lot coverage for the Project and the use of permeable pavement; and

WHEREAS, the ZBA closed the public hearing on the Applicant's variance requests for the Project at its August 12, 2021 regular meeting, after hearing from the Applicant and providing an opportunity for the public to be heard; and

WHEREAS, the applicable standards for reviewing the Applicant's requested variances for the Project are set forth in NYS Town Law § 267-b(3)(b); and

WHEREAS, as required by NYS Town Law § 267-b(3)(b), in making its determination on the Applicant's variance application, the ZBA has applied a balancing test that takes "into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant;" and

WHEREAS, in applying the balancing test and standards required by NYS Town Law § 267-b(3)(b) to the Applicant's requested variances, the ZBA makes the following findings:

1. Pursuant to NYS Town Law § 267-b(3)(b)(1), granting the requested variances for the Project would not produce an undesirable change in the character of the neighborhood or a detriment to neighbors. Specifically, the ZBA found that the proposed redevelopment would improve the property and would be consistent with neighboring uses.
2. Pursuant to NYS Town Law § 267-b(3)(b)(2), the benefits sought by the Applicant from the Project cannot be achieved in any feasible way without the requested variances. The ZBA found that the Applicant has reduced the lot coverage to the maximum extent possible consistent with the Project's purposes and has proposed only the sign height necessary for visibility of the sign by the traveling public.
3. Pursuant to NYS Town Law § 267-b(3)(b)(3), the requested variance for the sign is not substantial. While the requested variance for lot coverage is substantial, ZBA found that the Applicant has reduced the requested variance sufficiently at the ZBA's request.
4. Pursuant to NYS Town Law § 267-b(3)(b)(4) granting the requested variances would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. With respect to the lot coverage, the ZBA found that proposed stormwater control measures will minimize environmental impacts from the Project.
5. Pursuant to NYS Town Law § 267-b(3)(b)(5), the Applicant's need for the requested variances is a self-created difficulty.

WHEREAS, pursuant to the above findings and NYS Town Law § 267-b(3)(b), the statutory balancing test demonstrates that the detriment to the health, safety and welfare of the neighborhood or community arising from granting the requested variances is outweighed by the benefits to the Applicant of such grant; and

WHEREAS, the ZBA has the authority under Zoning Code § 100-56 and NYS Town Law § 267-b to approve or disapprove the requested variances.

NOW, THEREFORE, BE IT RESOLVED, that based on the Applicant's application and supporting information, including the June 24, 2021 Site Plan and the public hearing on the Applicant's variance requests, the Applicant's request for variances for the Project are granted pursuant to NYS Town Law § 267-b(3)(b) and Zoning Code § 100-56; and

BE IT FURTHER RESOLVED, that these variance approvals shall run with the land and shall bind any successor in interest to the Applicant; and

BE IT FURTHER RESOLVED, that this resolution shall be filed with the Town of Lloyd Town Clerk within five (5) days of its adoption and a copy sent to the Applicant; and

BE IT FINALLY RESOLVED, that this resolution shall become effective immediately upon its adoption.

Motion By: Alan

Seconded By: Russ

The foregoing resolution was voted upon with all members voting and signing as follows:

John Litts, Chairman	<u>Yes</u>	No	Abstain	Absent	
Paul Garguilo, Vice-Chair	<u>Yes</u>	No	Abstain	Absent	
William Brown	Yes	No	Abstain	Absent	<u>X</u>
Russ Gilmore	<u>Yes</u>	No	Abstain	Absent	
Alan Hartman	<u>Yes</u>	No	Abstain	Absent	
Shawn Zerafa	<u>yes</u>				

VOTE IS CERTIFIED BY:

Sarah VanNostrand
Sarah VanNostrand, Secretary

8/12/21
Date

THE RESOLUTION IS HEREBY APPROVED AND ORDERED TO THE RECORD BY:

John O Litts
John Litts, Chair

8/12/21
Date