

Determination: Silo versus Building Height when Silo is enclosed within a building

July 16, 2026

Background

An applicant, Clemente Materials, Inc., applied to the Planning Board for a Concrete Batch Plant (CBP) located at 3260 Route 9W, Highland, NY 12528 (S.B.L. 80.3-2-8) in the Town of Lloyd. A CBP is a facility used to store materials for, mix, and deliver wet concrete to a job site.

The CBP requires material storage within silos on the site. A silo is typically a circular container for storage of bulk materials.

Request

The applicant has requested a determination related to silos and maximum building height relative to the Dimensional Table of the Town of Lloyd Zoning Code. The project is proposed in the Town's Light Industry Zone, where the maximum building height is 45 feet. The proposed silos are presently designed to be 60+ feet in height.

The applicant seeks a determination on whether three silos can be within a building where the roof of the building is over the silos, thereby encasing the silos within the building itself. The applicant states that certain materials, such as stone, sand and the like, contain water and therefore must be protected against freezing. The cement silo is designed to be a stand-alone structure, separate from the principal building.

Determination

The Town of Lloyd Zoning Code definition of Building Height is as follows:

The vertical distance measured from the average elevation of the finished lot grade of all sides of the building to the highest point of the roof, if the roof is flat, or to the average level between the eaves and the highest point of the roof, if the roof is of any other type.

Chapter 100-15.B(5)(a) of the Zoning Code states that:

Barns, silos, solar energy systems, wireless telecommunications facilities, and small wind energy facilities may exceed the height limits of this chapter, provided that they comply with the applicable sections of Article VI.

Part A

If the silos for stone, sand, etc are within the walls and under the roof of the principal building, the maximum building height will be exceeded because the distance from the finished grade to the highest point of the roof would be more than 45 feet and therefore would not be allowed.

Part B

The applicant also inquired whether placing the silos within the footprint of the principal building but keeping the roof of the principal building within the maximum height allowed while allowing the silos themselves to extend through the roof would be allowed under the Zoning Code. The portions of the silos above the roof would then be protected against cold via insulation.

It is our opinion that such a design would not comply with the maximum building height limits in the Bulk Table. In this conceptual design, because the silos would be within the footprint of the principal building and therefore appear and function as part of that building, the roofs of the silos would be, in essence, the top-most roof of the building and over the maximum building height. Therefore, that design would not be allowed.

Note: This determination did not include 100-15(B)(5)(a) as no drawing was submitted as part of the request; thus, there is no information whereby we can determine if the conditions within this section of the Code would apply.

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