

ZONING BOARD OF APPEALS
TOWN OF LLOYD
MINUTES
Thursday, March 14, 2024

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.

Attendance: Board members: John Litts, Paul Gargiulo, Bill Brown, Russ Gilmore, Shawn Zerafa, Jessica Van Houten (Alternate), Mike Guerriero (Town Board); Board Staff: Anthony Giangrasso, Paul Van Cott, and Sarah Van Nostrand

Absent: Board members: Corey Miller

New Business

First Presbyterian Church of Highland: Area Variance: 26-28 Church St: SBL #88.69-1-9

Applicant is seeking an area variance for 8.1 feet of relief for the rear yard setback.

Sue (Applicant's agent) said that they want to subdivide the house from the church so that they can sell the house. They are putting a lot line in, but they cannot make the required 25 feet setback.

John L. said it is physically impossible. He said he looked at this and there is no real place to adjust the lot line to gain the 25 feet.

Russ asked if they sell the house where are they going to park because all the on-street parking there is all handicap, has there been any discussion on where they are going to park if the manse gets sold.

Sue said that not to her knowledge, but it is a question that she will take back, but her guess is that it would be off-street parking.

Russ said there is some on-street parking towards the intersection near Grove St, but there really isn't anything at the property.

Paul V. said that the Planning Board will be looking at this after any variances that are determined by the ZBA.

John L. said that the closest parking to the property is all handicap.

Paul G. said that there is a code that covers parking in the hamlet, but the Planning Board handles that part.

Paul V. said that you hit a good issue and the Planning Board did talk about it when it was first in front of them and he believes that there was a question about the use of the parking lot in the back and how they get there.

John asked for a motion to set a public hearing for the next meeting.

Motion made by Russ, 2nd by Paul G.

All ayes, motion passed to set the public hearing for the next meeting.

Conte, John: Area Variance: 225 Martin Ave: SBL #79.2-2-10.110

Applicant is seeking a variance to allow an 860 square foot accessory apartment where a maximum of 650 square feet is allowed.

John L. said that he feels this is putting the cart before the horse, this should go to the Planning Board because there is a stipulation in the code that allows them to adjust.

Paul V. said that in the code accessory apartments have to go to the Planning Board for a special use permit and site plan review and one of the standards is that the secondary structure must have its use related to the principal dwelling and must be no greater than 650 square feet of gross floor area. That is the standard, but down in §100-42 (f)(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. That is the authority that the Planning Board has to adjustments, these standards apply to both new construction as well as existing construction. The discussion that he had with the department head was that the Planning Board had the authority to issue that waiver. Talking with the chairman because it may be more efficient, if he can make the same case for a waiver with the Planning Board, he's going to have to have a public hearing for that anyway, so it would be one process instead of two.

John L. said for the applicant's information, if he is denied by the Planning Board, he still has an avenue to appear before this board for a variance.

Paul V. said if they are unwilling to grant a waiver then he can do that or if they deny his application then it would be a judicial challenge.

John C. (applicant) asked would he have to reapply because he was already before them and they sent him here.

Paul V. said you have an active application that was just put on hold while they sent him here.

Paul G. asked is the building built.

John C. said no it is a new construction.

Administrative:

Minutes to approve:

February 8, 2024

John asked for a motion to approve the minutes.

Motion made by Russ, 2nd by Shawn.

All ayes, motion passed to approve the minutes.