

ZONING BOARD OF APPEALS
TOWN OF LLOYD
MINUTES
Thursday, March 10, 2022

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, Mike Guerriero (Town Board); Board Staff: Dave Barton, Paul Van Cott and Sarah Van Nostrand

New Business

**DiValentino, John- 8 Merritt Ave., SBL #88.13-7-32. Residential Area
Variance**

Applicant is seeking an area variance to renovate the empty space below the pre-existing apartment in the garage due to a handicap condition. The empty space currently is serviced by sewer, water, natural gas and electricity.

John D. (applicant) is looking to redo the area in the first floor of the garage due to being in a wheelchair. He wants to make it a handicap accessible area, where things are lower and a bigger shower, in his current bathroom with the wheelchair he cannot fit. The lower floor of the garage has never been used for anything except storage. He cannot go up 2-3 steps into his house. He figured that this area would be useful to create a bathroom, a bedroom, a utility room, closets, a place to put a little stove and sink in.

John L. asked if the building is detached?

John D. replied yes, it is.

John asked the board has this as an area variance, wouldn't it be a use variance instead as he is changing the use?

Dave replied no as it is already a multi-family property, there are 3 dwelling units on the property, he is adding a 4th. The house is a 2-family, there is an apartment in the garage, he wants to put the handicap accessible unit in for himself on the ground floor. He is here for an area variance as multi-family is allowed in the zone. He is not changing the density piece more than

50% so the non-conformity piece does not apply here. He needs relief because he has 0.4-arces in a half-acre zone and has 3 already, so theoretically he would need 2-acres to do 4 dwelling units.

John L. asked so it wouldn't trip the threshold for a special use permit for an accessory apartment?

Dave replied that it would not trip that.

John L. asked but there would still be 2 separate dwelling units on one piece of property?

Dave replied that is correct.

John L. asked will that trip anything?

Dave replied that there is nothing in the code. The policy piece that doesn't allow multiple detached dwelling units on one parcel, there is nothing in the code that drives it, but it has been policy for the longest time. He doesn't feel that this would apply to this property as it has existed via permit, via another board's action in the past.

Russ asked is the apartment above the garage unoccupied?

John D. said that the apartment above the garage is occupied and has a separate outside entrance. He is not changing the footprint of the structure; he is just remodeling the inside of an existing dwelling. He will be changing the doors and make it so he can enter and exit them with a wheelchair.

John L. asked if a site plan for the parcel with the building laid out, measurements of the parking area because there are now 4 individual units where you would need additional parking.

John D. said that he is going to remove some grass on the right-hand side of the buildings and blacktop that to create another parking space for his car.

John L. said that when he does the site plan it might trigger a coverage variance as well.

John D. said that he would get the site plan done and bring it back to the board.

John L. asked for a motion to set a public hearing for next month.

Motion made Russ, 2nd by Bill.

All ayes motion passed to set a public hearing for April 14.

Vona, Samuel- 54 Bellevue Rd., SBL #88.13-4-35.200. Residential Area Variance

Applicant is seeking relief of 17.6-feet for the sideyard setback for a garage.

Samuel (applicant) said that he wants to put a garage on his property for a classic car. There are only 2 places to place the garage on the north side it would require him to cut down 2 trees that are probably over 100-years old, it would also require him to move his well house. The place that it is shown on the map, is the best place to put it and be able to drive into it, also where it is placed, he would not have to remove the patio that is behind his house and possibly have to build a retaining wall. The setback to the parcel in question is also owned by him and his brother. It is pretty well hidden from view.

John asked where is the patio and well house that was mentioned?

Samuel went to the map and pointed out the locations. There is also, a 100-foot drop behind where he would like to place the garage and the farther back, he places the garage the closer to the drop-off it would be.

John asked if he could get the board a topo map and pictures to show the layout of the property and the drop.

Samuel replied that he would get that for the board.

Russ said that on the map it shows a possible location and a desired location, is the desired location where that plastic cover is? If he is not mistaken between that and the road there is a giant rock outcropping.

Samuel replied it's not really giant, but there is a rock outcropping.

Russ said but enough to hide the garage from view.

Samuel replied yes.

John asked if there was any way to turn the orientation of the garage, so the building is running more east-west, than north-south to get you farther away from the property line is that an option?

Samuel replied that there is a 100-foot drop off that the back of the garage would be close to if it was orientated east-west and to avoid that it would be even closer to the property line.

Russ asked if he owned the property to the north where the tarp shed is located now?

Samuel replied yes.

John asked what is preventing the applicant from putting a garage there?

Dave said it is driven by policy that there is to be no accessory structures on a parcel where there is no principal structure.

John asked in the code now, would he need a variance for that?

Dave replied that he would not be able to issue him a permit for the other property because it is a vacant piece of property. In the code without a principal structure no accessory structures are allowed.

John asked for a motion to set a public hearing for next month.

Motion made by Bill, 2nd by Russ.

All ayes motion passed to set a public hearing for April 14.

Extended Public Hearings

180 South Street LLC-180 South St., 87.3-5-14. Commercial Area Variance

Applicant is seeking an area variance for lot coverage and building coverage.

John said that the applicant updated their site plan and added some green space, removed a couple of parking spots and changed the footprint of the building. He asked the applicant if they had anything to add?

Brian (applicant's agent) said that he has nothing else to add.

John asked for a motion to close the public hearing.

Motion made by Paul G., 2nd by Bill.

All ayes motion passed public hearing closed.

Part 2 of SEQRA was shown. Board agreed with the answers.

Paul V. read the negative declaration.

John asked for a motion to accept the negative declaration.

Motion made by Russ; 2nd Bill.

All ayes motion passed to accept the negative declaration.

Paul V. read the approval resolution.

John asked for a motion to accept the resolution as read.

Motion made by Russ, 2nd by Bill.

Roll call vote:

John-aye

Paul G.-aye

Bill- aye

Russ-aye

Shawn-aye

All ayes, motion passed to accept the resolution.

Administrative:

Minutes to approve:

February 10, 2022- Tabled until next month.