

ZONING BOARD OF APPEALS
TOWN OF LLOYD
MINUTES
Thursday, July 14, 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, and Shawn Zerafa; Board Staff: Anthony Giangrosso, Paul Van Cott (Via Zoom) and Sarah Van Nostrand.

Absent: Board Members: Jessica Van Houten

New Business:

DePuy, Trevor: Area Variance: 4 Eagle Court: SBL #86.4-3-9.1

Applicant Trevor DePuy is the owner of property located at 4 Eagle Court with a SBL of 86.4-3-9.100. The parcel is located on the west side of Falcon Drive and is in the A zoning district. At this time, Mr. DePuy seeks to annex a twenty-five-foot-wide parcel of land from the adjoining Klemm property and create a two-lot subdivision, each with fifty feet of road frontage and twenty-five-foot-wide access parcels. Eagle Court will still only service two individual lots, and the Klemm driveway will exit directly onto Falcon Drive. To accomplish the subdivision, the applicant is seeking an area variance from the Zoning Board of Appeals for relief from Town Code Section 100-14 (4), "Flag Lots-For subdivision of four or fewer lots, only one flag lot shall be permitted."

Patti (applicant's agent) said that this parcel was a part of the Pleasant View Subdivision which was approved back in 2007. Not all the proposed roads were built for the original subdivision. In 2019 they came back to the boards to consolidate parcels. Eagle Court which is a private shared driveway currently, it was one of the proposed roads for the Pleasant View Subdivision, but due to Federal Wetlands and financial issues the owner at the time decided not to build the road and consolidated the lots instead. The parcel in front of the board now was 5-building lots all with road frontage on a town road. As part of the lot line revision the board approved a shared driveway to service lands of Klemm and land of DePuy. The proposal before the board is to relocate the Klemm driveway out onto Falcon Drive and take the flag portion that he was using and annex that to another parcel. Due to the fact that they are going to have 2 flag lots in the subdivision that requires approval from the Zoning Board of Appeals. They are not really changing anything because the shared driveway already exists. They had an issue with 911 as when they numbered Falcon Drive, they didn't leave

space for the lot in the back, so they have gone to 911 and designated the road as Eagle Court, so for emergency purposes they will be able to find the house in the back. She is not proposing any changes to the shared driveway agreement as it is currently in place and built per the Town at the time. They are just proposing a lot line revision and having a shared driveway between the two DePuy lots as opposed to one DePuy lot and one Klemm lot.

John asked so you are looking to gain a lot?

Patti replied yes, they are looking to gain a lot. The lot is a little bit larger than one of the original building lots approved in that location.

Paul V. asked Patti to show the board where the 2 lot that don't have the required road frontage.

Patti showed the board on the map.

Paul V. asked Patti that per her conversation with Dave why does this need a variance?

John said that it is creating two flag lots in a 4 lot or less subdivision.

Patti replied that according with town code section 100-14 (4) flag lots "with subdivision with four or fewer lots only one flag lot shall be permitted." In order to allow this shared driveway to continue to service two lots, an area variance is needed.

Paul V. said that he feels that it is important for the board to look at alternatives to the flag lots and what the potential impacts will be by allowing the additional flag lots.

John asked if this was purely financial? You are looking to take a single lot and make it into two lots.

Patti replied yes, they would have to build a town road to gain the proper road frontage, which would be a burden to the applicant to build the road and a burden to the municipality to maintain that length of road. The only potential neighbor impacted would be Klemm and he is the one granting the land for the lot line revision to occur. Klemm also would prefer to not be a part of a shared driveway.

John asked why did they go shared driveway in the beginning? As it doesn't make any sense to him.

Patti replied that she didn't represent the project at that time and there were no notations on the map, that listed why that happened.

John said that he would like to know why the Planning Board wanted a shared driveway for those lots.

Anthony said that he thinks when they originally did the subdivision there was a road proposed through there. They started to build the road what is now Eagle Court was being built per the site plan. They stopped and changed around the lots and made them separate lots, rather than having a

whole bunch back there. He thinks on the original map there was a road that was proposed there and there was another proposed road coming in the back on the other side off of Station. Which is why Klemm has his driveway there as that is where it was proposed originally.

Patti said she can bring a map of the original subdivision map and the lot line revision map to the public hearing.

John said that it makes sense that there was a proposed road and it would be less of a burden to build a shared driveway there.

Patti said that not only was the road put in, but also the utilities were put in.

John asked where the utilities fed from, does it feed from the shared driveway?

Paul G. said they come off of Falcon Drive.

John asked where is the utility easement?

Patti thinks that Klemm's crosses his property. The other one goes along the shared driveway and will need an easement as the line will be shared between both lots.

Russ asked if the driveway was 50-feet wide?

Patti replied yes, it is 50-feet wide with each parcel owning 25-feet of it.

Paul G. asked if there was a driveway maintenance agreement?

Patti replied that it is already in place. With the lot line revision Klemm will be allowed to use the road to access his utilities and anything else that he needs to and he will have no obligation to take care of the road as his use of the road will be rare.

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 the public hearing for next month.

Alessi, Elena: Area Variance: 50-52 John White Rd., SBL # 80.3-1-19.200

Applicant is seeking an area variance for relief from Town Code Section 100-14 (A). The flag lot is in the R-1 Zoning district with municipal water.

Patti (applicant's agent) said that the applicant is seeking relief from Town Code Section 100-14 (A). The lots are supplied by Municipal water service because of the Mead site. Lot 1 is a 3-family dwelling that meets the lot frontage and lot width requirement. Lot 2 is 7.72-acres and has a single-family dwelling is a flag lot because it only has 77.99-feet of road frontage. The Planning Board would like to keep the blacktop drive looped for emergency access. There will be a 50-foot-wide right-of-way over the first portion of the driveway before it splits off. They are taking 2 pre-existing

non-conforming lot with 2 dwellings on one lot it and splitting the dwellings onto separate parcels. She doesn't know what the reason was for the code when it was wrote.

John said that it is was not for a lot like this.

Patti said that with Municipal Water service she thinks they were thinking about very tiny lots in a centrally dense area. It is a part of the code therefore she needs to obtain an area variance.

John asked is the end of John White Rd is it a true col-de-sac or does it end and turn into their driveway.

Patti says according to the deed it is a true "T" turn-around. If you go up there, the dumpster at the end of the driveway is actually within the "T" turn-around. The utility pole is within the "T" turn-around. Its more of an "L" part of the "L" is on Alessi's property and part of it is within the town's "T" turn-around.

John said that the code did not take a lot like this into consideration. Like Patti said he feels that the code is more to keep flag lots out of a densely populated area.

Russ asked if lot 2 will own the easement?

Patti replied yes, with lot 1 will have the right-of-way to cross it. She is going to add a note on the plat that the loop driveway will be maintained for fire and emergency access and each lot will be responsible for the part that is on their property.

Paul G. asked if Patti could put on the plat that no further subdivision would be allowed?

Patti said that she prefers not to do that. If someone wants to subdivide the land in the future they have to appear before the Planning Board.

John said maybe something could be put into the easement that states that only 2 lots can be serviced by it. This way if someone does develop the land the easement will become void and a road would have to be built. This also, prevents someone else from grabbing the easement and breaking it up to put more lots in. He asked Paul V. if that would be possible.

Paul V. said that he would have to think about that as it would have to relate to the variance in front of the board.

John said that he doesn't want to restrict any further subdivision he just doesn't want to see a subdivision off of an easement. He doesn't want to create a loop hole.

Paul V. said that he will look into that and report back to the board at the next meeting.

Patti said that if it is not an appropriate condition for this board, then the board could make a recommendation to the Planning Board, which she is sure they would take seriously under advisement.

Paul V. replied that is where he was leaning towards.

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

Motion made by Russ, 2nd by Bill.

All ayes motion passed to set a public hearing for next month.

Krall, Sara: Area Variance: 13 Bell Drive, SBL #88.17-6-18.100

Applicant is seeking an area variance to allow shed to stay in the front yard.

John said that he read she wrote about Lowes telling her the location was okay and Anthony saying it was not okay. He looked at the pictures, but couldn't get oriented from just looking at them.

Sara (applicant) said that there are low hanging wires in their backyard and they asked Central Hudson and the cable company to raise the wires and were told that they couldn't be raised. There are rocks in the backyard and the hill and on one side of the house is the leach field and on the other side they have their well. They are currently trying to sell their house, the buyers like the shed where it is.

John asked the shed is currently on the side of the house where the leach field is?

Sara replied yes, it is in front of the leach field.

John asked if they know the exact location of the leach field?

Sara said that they have had a few plumbers come over to try and locate the leach field, but all they have told her is that it is over that way somewhere and drains down the hill. The shed is 8-10-feet in front of the garage and is pushed back as far as they can go, it is maybe 6-feet from the property line.

John asked it is 6-feet off the property line?

Sara replied that she believes so.

John asked if they need a variance for that as well?

Anthony said that the sale's person at Lowes who gave plans from time to time that had errors on them. They went ahead and did an order; they got the shed there and a permit came after that. It came up as a shed in the front yard without a permit. He called Lowes who said they were going to get on it and never did. The sale person left and Lowes closed up the install sales. He had to deny it as the shed is in the front yard and that is how this end up in front of the board.

John asked that if it was to stay, wouldn't it also need a variance?

Anthony replied that if it is under 250 square feet.

Sara said the shed is 12x8.

Anthony said so it is under, in her zone she is good for 5-feet off the property line.

John said that the further the board can get the shed into the side yard the better. He would like to know the exact location of the leach field. If you want to keep the shed on the leach field side then move it into the side yard. On the other side you have the well, which is a very small footprint and a well line is typically not dug up very often, so if you could put it on that side of the house he would need to know exactly where the well is. You could move it back into the side yard closer to the well and not be in the front yard at all.

Sara asked if she keeps it 5-feet off of the property line on the well side it would be up against the house. She showed the board that on the well side the property slopes up and mentioned that she has French drains in the area.

John said so it wouldn't be feasible on that side. The board would need to know the topo from the house to the slope. They would also need from the well to the front of the house. On the other side the board needs to know where the leach field is. If the shed could be moved further into the side yard the less of an ask it is and the better off you will be.

Sara mentioned that they had two trees cut down, so the shed could be put in the location.

John asked if they were large trees, does she know when the septic system was installed?

Sara replied that it is the original so 1974.

John asked how large were the trees?

Sara motioned how large the stumps were.

John said so the trees were there before the septic was put in? That means it is pretty safe to say that there is no septic where the trees were, so if you could do a stump grind to get the shed in the footprint of the stump and still keep your 5-feet, then you don't have to be here.

Anthony mentioned that Lowes is still aware of this issue.

Sara said that she called corporate and got two different people and both of them told her that it is not in the warrantee for them to move it.

John said that he is pretty sure that somewhere in the agreement that it states they have to comply with the zoning code. Whether it is in your warrantee or not they did not comply with the zoning code.

John asked for a motion to set a public hearing in case she cannot move it.

Motion made by Russ, 2nd by Bill.

All ayes, motion passed to set a public hearing for next month.

Administrative:

Minutes to approve:

June 9, 2022

John asked for a motion to accept the minutes,

Motion made by Shawn, 2nd by Bill.

All ayes, motion passed to accept the minutes.