

ZONING BOARD OF APPEALS
TOWN OF LLOYD
MINUTES
Thursday, August 11, 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, Jessica Van Houten, and Mike Guerriero (Town Board); Board Staff: Dave Barton and Sarah Van Nostrand

Absent: Board Members: Shawn Zerafa

New Public Hearings:

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."

John mentioned that the board had asked for the location of the utility easement and would like to know if they had any success for locating it.

Patti (applicant's agent) replied that she has not figured it out yet. She also, mentioned that the board had asked for maps of the previous subdivision which she has supplied. Her clients are prepared to ask for an extension of the public hearing.

John said he thinks this board should know before they grant a flag lot. He would like to know where the utilities are if they are in the shared easement or if they run across the Klemm property.

Patti said with regard to the existing easement, there already is a shared driveway and hammerhead turn-around. If there are utilities outside of that easement areas, that an additional easement will be required, that would be a part of the lot line approval that would be granted by the Planning Board. The action before the Zoning Board is in regards to having two flag lots in a subdivision where only

one is allowed. As was said last month the shared driveway has already been approved by the Planning Board. The difference would be that they would be sharing it between two located on the southernly side of the shared driveway and lands of Klemm would have their own driveway on Falcon Drive. Klemm has an address of Falcon Drive, where the private drive has been approved by 911 to have an address of Eagle Court.

John asked is that the Klemm property?

Patti replied that the Klemm property has an address on Falcon Drive. The DePuy property has access on the shared driveway which would be 2 Eagle Court and 4 Eagle Court, if the lot line revision and subdivision get approved.

Paul G. said that the shared driveway will still only service two lots, so he feels that there is no impact.

John said that he doesn't see a major impact either.

Russ agrees with Paul that the driveway will be servicing the same number of properties, so its not a major impact.

Public hearing:

Paul Ackerman (Attorney for Mr. and Mrs. Roosa) mentioned that his client owns the lot adjacent to the lot in the front. His clients are opposed to the area variance being requested, when they purchased the property, they purchased it based on filed map. Which showed the property in the back on the other side of what is Eagle Court, in the rear of that property and one lot to the rear of them. Now the lot on the other side of Eagle Court has been moved forward towards Falcon Drive, closer to their property. Now there is another request here to put another house between their house and the lot that was existing there. It is detrimental to them and their neighbor as there will be significant clearing of property, between theirs and lot 2. It is the furthest from the existing flag lot and his client's house. He feels that granting this double flag lot here, that the other lot on the other side of Eagle Court could come in a request the same thing and put a 3rd non-conforming flag lot back there. If the board grants this one, how could they say no the other one. He thinks that this is self-created. He thinks the setback is incorrect for what would be the front yard setback on the plan it is listed as 30-feet, he thinks the Town Code requires a 60-foot setback for the front yard of a flag lot. He cannot tell what part of the road if any is included in the calculation of the area. His clients are concerned about the driveway right now the plan shows a gravel driveway, but according to Town Code any driveway that is shared needs to be built to rural road standards. The current easements reflected on the plan is specific to the adjacent property, it is not specific to the lots created here. That easement would have to be updated and should be updated because it gives the right of lot 3 to use that and not the newly created lot.

John asked what he considered the front yard setback to be? Was it towards Falcon or towards Eagle?

Paul Ackerman replied both, because when you create a flag lot you have the area between the front of the property and the structure which is considered the front lot. He believes the code requires 60-feet between the conforming lot and the flag lot.

Patti replied that the map does show a 60-foot front yard setback from lot 2 to lands of Roosa and also, a 60-foot front yard setback from Falcon Drive to the lot.

John asked if the green line on the map was the setback line?

Dave replied yes.

Paul Ackerman said that the bulk table that he is looking at says 30-foot setback.

Patti replied that there is an asterisk that says unless noted on map differently. There are green setback lines shown on the map that shows it is a 60-foot setback.

Doug Minard (Adjoining property owner) said that he doesn't have any issues with the area variance, but he has an issue with clearing and getting close to the apple trees.

Dave said that a buffer is required.

Doug replied that they cut down the buffer.

Patti said that they showed the 100-foot buffer on the map.

Bill asked if the proposed septic system, there are wetlands to the east, so how are they going to deal with that?

Dave replied that there are no wetlands on either one of these properties.

John said that the public hearing will remain open.

Paul G. asked in the original subdivision there were how many lots?

John replied that there were 4 lots and the road went all the way up, but that has been changed.

Paul asked what was the date it was changed and when did they buy the property?

Dave replied in 2019 the lots were combined.

Paul G. asked if they could find out when the Roosa's bought the property?

Dave replied that it was 10/23/2020 the property was purchased.

John said that it was already a combined lot when Roosa purchased their lot.

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 there are two existing dwelling units on one lot and are serviced by one driveway. One lot will be conforming, the other will not, but in this situation because there is municipal water service here there is a provision in the code that states no flag lots are allowed where there is municipal water. She said that this lot no one would have guessed that there would be municipal water servicing this part of the community, the reason it is, is due to contamination. They are taking a pre-existing non-conforming two dwelling units and separating them out onto two lots.

John said there was a question about future development. Did Paul V. give the board an answer he was supposed to research, if the board could put a stipulation to restrict.

Dave replied that the board can do that. It would be difficult to do that on these lots as it would probably require a zero at the frontage line which has never been approved before in the town. You couldn't subdivide the property any more than what is in front of the board, unless there was a road to another part of the property as the frontage is only at the "T" to that road.

Patti said that one of the things discussed at the last meeting in regards to restricting the driveway access to serve only 2 lots shown on the map. She thought that the board decided it would be a recommendation that could be made to the Planning Board.

John said that the board had asked for Paul V.'s advice on the situation.

Dave replied that you can limit as part of the board's decision future development. If the board recommends it to the Planning Board, they will do what you recommend.

No public comments

John replied that this is a unique situation and has no problem with it.

Russ said that he had visited the site. He said that the driveway is well maintained as are the properties. He doesn't think that it is anything too complicated.

John said that they are bring the lot more into compliance and would like a draft resolution be prepared.

Straw Poll:

Paul G. is good with it.

John is good with it.

Russ is good with it.

Bill is good with it.

Jessica is good with it.

Board would like draft resolution circulated at least a week before the next meeting.

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.

Sara (applicant) said that she made a map and measured every foot of the property that she could access.

John asked if there was a digital copy submitted?

Sara replied no as she didn't have a big enough scanner. The numbers on the map correspond to the pictures that she sent and she also calculated the slope of all the hills on the property.

John said that the board discussed possibly putting it in the footprint of the tree. Did you get a hold of Lowes at all?

Sara replied that she still cannot get a hold of them.

Dave said that his office has tried to get a hold of them also and no luck.

John said that there was discussion about moving it back.

Sara replied yes, kind of over on the right side.

Paul G. said move it back to line it up with the front of the house.

Sara said that she measured it, if you do that and keep the 5-foot distance from the property line, where the ramp comes out, you wouldn't be able to pull anything out of the shed.

Paul G. asked how long is the shed?

Sara replied it is 12 feet.

Paul G. said that ramp is roughly 4-foot?

Sara replied yep.

Paul G. said that 8-feet of the shed would be behind the garage and, 4-feet would be in front, so $\frac{2}{3}$ rds would be in the side, and $\frac{1}{3}$ rd would be in the front yard?

John said that he would be more comfortable giving relief on the side yard setback, than giving her it in the front yard. In the past the board has been steadfast to not allow in the front yard and move it into the side yard or backyard. In this instance to accomplish that, he thinks it could be moved closer to the property line and further back to alongside the house. The dimension to the side of the garage to the property line, does the board have it?

Sara replied that's 23.5-feet and that's the side the leach field is on.

John said that if the shed was in the footprint of the tree, you know the leach field is not there. He asked if she was successful in tracing the leach field?

Sara replied that she called up the people that pumped the septic system and they pointed out the hill and stated that is probably where it went. The distance from the edge of the leach field to the

property line is 16.5-feet.

John said that the edge of the leach field to the property is 16.5-feet, in regards to the front of the house how far back are the leaders for the leach field?

Sara replied it starts right where the corner of the garage is.

John replied so, it starts at the front of the house, is parallel to the house and it is 16-feet off the property line?

Sara replied yes.

John asked what the width of the shed is?

Sara replied it is 12-foot by 8-foot. The ramp is 4-feet by 11-feet.

John said if she can get the shed back, about 2-3-feet off of the property line, which he feels the board would be more comfortable with, then having the whole shed in the front yard that would be great. If you can get the shed, to where the ramp will be even with the side of the garage, he will be a lot more comfortable then leaving the entire shed in the front yard.

Sara said that the closing date is set for the 26th, is there a way that it could be moved after the new owners buy the property?

John replied what he thinks they could do is amend the application.

Dave said that there would still be a violation on the property.

John asked can you place the shed in the backyard?

Sara replied that the powerlines are about 7.5-8-feet high. There is between the house and where the slope starts there is 8-feet. She guesses that she could face it to the back of the house, but then the new owners would be driving the mower up the hill.

Bill asked what about the cable lines they are lower than the power lines?

Sara replied that she has contacted both companies and they are up to standards.

Russ asked if there was a picture from the road?

John said that if they put the shed in the backyard, it would be near the neighbor's backyard and wouldn't need a variance at all, but you are saying its not feasible due to the power lines and slope.

Sara replied yes, the slope specifically from the back right corner of the house to the property line is steep.

John said that he doesn't see how this could be done before the closing date. The only thing that could be done is remove the shed, if the new owners want the shed; remove it, have it stored, have

the new owners come in using all of her documents and the board would work with them.

Sara said if they remove it, will this automatically be cleared?

John said that as soon as it is removed and, on the truck, you will be in compliance.

Dave said that if you move it and call the office, the person who does the CO violation searches will redo the letter.

Administrative Business:

The Villages-PRRD

The Town of Lloyd Planning Board is seeking lead agency for SEQRA review.

Dave said that the project is a type I action and that means the Planning Board has to circulate for lead agency and listed the Zoning Board as an interested party.

John asked are they going to seek variances?

Dave said that they are not going to seek variances that he knows of at this point.

John asked for a motion for the Planning Board to be lead agency?

Motion made by Russ, 2nd by Paul G.

All ayes motion passed.

Administrative:

Minutes to approve:

July 14, 2022

Motion made by Russ, 2nd by Bill.

All ayes, motion passed to accept the minutes.