

ZONING BOARD OF APPEALS
TOWN OF LLOYD
MINUTES
Thursday, November 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, Russ Gilmore, Bill Brown, Shawn Zerafa, and Jessica Van Houten; Board Staff: Anthony Giangrasso, Rob Stout (Attorney), and Sarah Van Nostrand

Old 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 she didn't make the last meeting, but heard that the board did a straw poll. Where the board asked the attorney to draft a resolution in the negative. She did submit more information in regards to the balancing test. After the meeting two months she thought that the board was set to approve the variance, but had a concern about the benefit that the applicant would be receiving as opposed to the detriment to the community. She does not have a copy of the resolution in front of her, but she hopes that the ZBA had the opportunity to review the document. The applicant only owns a 50-foot parcel and cannot put a road in, without the neighbor agreeing to that.

John asked if the applicant had already annex from the Klemm property?

Patti replied that the application before the board is the subdivision and lot line revision. The lot line revision cannot be done without the subdivision. Without the Zoning Board granting the area variance for the two flag lots, 25-feet will not be enough. There is nothing in the driveway

maintenance agreement that states that it would have to be dedicated to the Town if a road was built. The only alternative that applicant does have is the second flag lot. As they don't have the right to build a rural road on someone else's property. She would like to discuss with the board on what the sense was of the detriment to the community, that is not outweighed by the benefit the applicant is seeking, perhaps if the detriment can be mitigated in some way, that would be an alternative.

John said that Rob could read the resolution into the record and as he is going through if the board has any questions or concerns it could be discussed. After it has been read if there is any information that the Patti has provided that would sway the decision, it could be pursued at that time.

Rob said that his understanding from reviewing the minutes and talking with Paul V., was that the vote the board took at the last meeting wasn't a straw poll it was their intention to make a decision at the last meeting and the action tonight was to memorialize the decision made at the last meeting.

John asked tonight the board would just be ratifying the resolution?

Rob replied that the board would be voting to confirm that the resolution as drafted matches the discussion and the decision at the last meeting.

Patti asked so the board has no recourse?

John replied the board has no recourse.

Patti mentioned that the resolution mentions an increase in density that would be out of character of the neighborhood. In regards to that, the applicant is seeking one more lot when originally four were approved. The lots nearby and across the street are all two acres in size and they are proposing a lot that is larger than 2-acres.

John said that he read the minutes and missed that the board had voted at the last meeting.

Patti said that normally the board does a straw poll which gives the applicant a chance to withdraw the application. The applicant was not allowed that opportunity.

John replied that she is right they normally do that, but the public hearing had been closed previously, so the board went through the balancing test and had the attorney draft the resolution, for the board to vote on the verbiage at this meeting. He asked if Rob would read the resolution.

Rob read the resolution.

John asked if for the feasibility, the applicant provided the board with an estimate for road construction in the amount of \$220,000, and as Patti has brought up you cannot build that road because he doesn't own it. He would also have to purchase that property or annex it from someone else therefore it adds to it that it is not feasible. He would like this to be added into the resolution, that it would be more non-feasible.

Rob replied that he would add it into the resolution.

John asked for a motion to accept the resolution?
Motion made by Bill, 2nd by Russ.
All ayes, motion passed to deny the application.

New Business:

Nicholas Corday Farms LLC: Area Variance: 67 South Street: SBL # 87.3-1-16.112

Applicant is seeking an area variance to place a farm outbuilding in the front yard. The outbuilding will be setback 1064-feet from the road and won't be visible.

John asked if they have a survey map?

Chris (Applicant) said that the survey had staked out the property, but didn't have time to make the survey map.

John asked if they could give the board a quick rundown of where everything is located on the property?

Chris gave the board a quick rundown. He thinks that in the winter the building won't be visible as there is a thick forest of trees.

Christine (Applicant) said that her statement of it being visible in the winter was referring to a neighboring property and not about the road.

John asked what kind of trees are going to be used for screening?

Christine replied that there are currently evergreens, maples, etc. there. The reason the shed is placed where it is, came about from talking with the previous owner about where the best soils for farming were, the topography of the land and away from the wetland areas.

Paul G. asked if they had built a house there a couple of years ago?

Christine replied yes.

Russ asked what will be the purpose of the outbuilding?

Christine replied that it will be part storage and part farming area for the next generation of apple trees. She mentioned that the previous owner mentioned that the existing trees were dead, but they are producing apples. There are also old grape vines that are still producing grapes.

John asked if they are an agricultural operation?

Christine replied that the land is abandoned ag, but they have started a farm.

Chris said that it's not a farm yet.

John asked Anthony if they were an agricultural operation this would be treated differently?

Anthony replied that is correct.

Christine said that they need the outbuilding to get farm status. They are trying to do everything in order.

Chris said that they are developing this, so they need the buildings, farming, etc. to become a farm. The problem with the building is that it is in front of the house. He said that he probably could have moved the house, but there wasn't room.

Christine said that the placement of everything was thought out.

John said that if it was agricultural operation then they wouldn't need a variance.

Anthony said that he spoke with the applicants and told them that they would need to go to farms and markets and can become a farm.

John said that if they become an agricultural operation they wouldn't need to be here.

Christine said that they thought about it.

Anthony said that the board should do a site visit as where the proposed building location is, it is about 1,000-feet off the road. You cannot even see where the actual building would go.

John said that all of this plays into the board's determination, you would fall into different criteria if you were a farm operation. Even though you mentioned that you want to become a farm does not factor into the board's decision, they have to weight it as it is, which is a building in the front yard. He would like to see a survey map with topography on it because they were saying that are wet areas, higher piece of ground. If you go onto Ulster County's website it will tell you what kind of soil you have and can provide it to the board as the more information that can be provide then it helps the board's decision. Also, if you can provide a mockup of the building.

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

Motion made by Bill, 2nd by Paul G.

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

Administrative:

Minutes to approve:

October 13, 2022

John asked for a motion to accept the minutes.

Motion made by Shawn, 2nd by Jessica.

All ayes, motion passed to accept the minutes.