

**ZONING BOARD OF APPEALS**  
**TOWN OF LLOYD**  
**MINUTES**  
**Thursday, January 12, 2023**

**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 and Mike Guerriero (Town Board); Board Staff: Paul Van Cott (via Zoom), Anthony Giangrosso, and Sarah Van Nostrand.

**Absent:** Board Members: Jessica Van-Houten

**Public Hearings:**

**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.

John mentioned that they reached out to the applicant with some changes to the draft resolution. He asked if they had a chance to look it over?

Christine (applicant) asked how was it sent to them?

Paul V. replied that it would have been emailed and that Anthony G. also tried to reach out to them.

Christine replied yes.

Paul V. said that the board was talking about a condition that would require maintenance of existing vegetation around that building to screen it, both from South St and neighboring properties.

Christine said that was one of the reasons why they chose that rocky spot as it has a tree blind, but also to maintain it and add more, so that will never go away. If anything, it will keep getting built up.

John said that was the only change that the board wanted to add. If you are okay with that the board

will open up the public hearing.

John asked for a motion to open the public hearing.

Motion made by Paul G., 2<sup>nd</sup> by Shawn.

All ayes, motion passed to open the public hearing.

Mark (Newspaper reporter) said that at the last meeting the board said that they have to treat this outbuilding as a regular outbuilding as they cannot determine that it is for a farm and that they cannot make a decision based on farming as this is not a farm. The board stated that by putting the building in the backyard complying to the code it would be a deterrent to the use of what they want to do with the land which is planting. On one end the board said they cannot talk about farm because it is not a farm, then they said they can.

John replied if they were an agricultural use, if they were a farm then they would not be in front of this board. They would not need a variance, that is what he was saying.

Mark said that the board stated that they cannot make their decision regarding farming at all. Yet the board continued to talk about it as it was farming and farming intention and it's not there yet.

John replied that is correct they are not a farm use.

Mark said that after that comment the board went a head and discussed it as if it was farming.

John said that the board did discuss what they want to do with it.

Mark said the board said they couldn't do that.

John replied that he never said they couldn't discuss it. He said they couldn't base their determination on it.

Shawn said that the board discussed it related to soils, as where they want to put the outbuilding is rocky, so the potential for farming is good for them, but it wasn't the reason that board said it was okay.

Mark said that board mentioned that they have to consider it as a regular building in this situation.

John replied that the board did. The board made the determination and when they go through the balancing test, they did discuss what they are going to do in the back and the reasons for putting it in the front. The board put stipulations in that it is going to be in the front it is a unique situation because the distance from the road and there is going to be an aesthetic barrier between the road and adjoining property owners because that it is so far off the road its not visible.

Mark said that he understands what is being said. He thinks that the board may be splitting hairs here because there was such a fine distinction on one hand the board said that they cannot talk about that, but then the board talked about it.

John replied what the board couldn't do is that the board cannot afford them the same status as a farm. As a farm plays by a different set of rules.

Paul V. that the question presented by the member of the public. The difference is that basically legally if it was an agricultural use already then, they wouldn't need a variance. It is not an agricultural use, so they do need a variance for a structure in the front yard as part of the boards review they have to take into account the applicant's purpose for the project, why they say they need it in the front yard as opposed to having it in the backyard. When they look at the applicants purpose which is they have indicated that they want to farm the rest of the land, so to that extent its relevant to the board review. Especially when it comes to alternatives.

Mark said that he understands about the rocky soil, but when the board mentioned that it has to be considered as an outbuilding in a regular situation and then said you cannot really talk about farming.

John said he might have misspoken when he said that the board cannot talk about farming. His intention was that it couldn't be treated as if it was a farm.

Mark said that he wanted to clarify for tonight that the farming issue is something in the future and from what the board says shouldn't be part of the determination.

Paul G. replied it is and it isn't, its relevant to the tenant of the property, the reason why is down the road the property will be going back to agriculture.

John asked for a motion to close the public hearing.

Motion made by Russ, 2<sup>nd</sup> by Bill.

All ayes, motion passed to close the public hearing.

John said at the last meeting the board did a straw poll. He discussed with Paul V. about tweaking the resolution slightly to include the aesthetic barrier from both the road and the adjoining property owner which was added as a condition. He mentioned that everything else in the resolution stayed the same except for the conditions.

Paul V. went over the resolution briefly.

John said that everything stayed the same from the last meeting. He read the first step of the balancing test. He said that he will read the conditions: sufficient vegetative screening between South St and adjoining properties shall be preserved and maintained that is sufficient to full screen the outbuilding from any views from South St. That was the only thing that was added from last week's discussions.

John asked for a motion to accept the resolution.

Motion made by Russ, 2<sup>nd</sup> 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:

December 8, 2022

John asked for a motion to accept the minutes as wrote.

Motion made by Shawn, 2<sup>nd</sup> by Bill.

All ayes, motion passed to accept the minutes.