

**ZONING BOARD OF APPEALS**  
**TOWN OF LLOYD**  
**MINUTES**  
**Thursday, June 8, 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.**

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**Attendance:** Board Members: John Litts, Paul Gargiulo, Bill Brown, Russ Gilmore, Mike Guerriero (Town Board); Board Staff: Paul Van Cott and Sarah Van Nostrand

**Absent:** Board Members: Shawn Zerafa, and Jessica Van Houten

**New Business**

**Rozzi, Thomas: Area Variance: 3 Orchard Ln, SBL #87.10-2-6.210**

Applicant is seeking an area variance for a garage in the front yard.

John said you are going for two variances one for the garage being in the front yard and the other for being too close to the property line. He asked the applicant to give the board background on why it has to go there and not somewhere else.

Thomas (applicant) said that the only place he has is the front yard, the backyard is covered mostly by the septic system. There is no area accessible to the backyard.

John asked for the next meeting if he can get the board pictures or on the site plan denote where the stone walls are, where their septic is, so the board can get a better picture on why it has to be in the front yard.

Thomas showed the board the pictures that he brought.

John asked what the paved area was on the site plan.

Thomas replied that it is a basketball court.

John asked what would be on the side of the house where the well is.

Thomas said the basketball court and a stone wall and an addition that is not shown on the survey. He showed where the driveway comes up and said it is about a 5-foot grade.

Bill asked how big was the garage.

Thomas said 32 x 26.

Russ asked what the second story would be used for.

Thomas said just storage.

Paul G. said that there is a pool as well.

John said where is the pool located is in the backyard, side yard.

Thomas said the pool is in the back. The septic system is on the other side of the pool.

Russ asked what would block the view of the garage from the neighbors.

Thomas said that there is a row of white pines. The people in front of him have a raised septic system bed that is right behind where the garage would go.

John asked if that was a shed next to the driveway.

Thomas said yes.

John asked access between the shed and the wall, can you access the side yard from there.

Thomas said no.

John asked why not.

Thomas said there is a retaining wall.

John said between the retaining wall and the shed is it a steep grade.

Paul G. said it is steep in the back.

John said the reason they are doing this is because a building in the front is a hard ask and the board doesn't like to grant it without exhausting all other possibilities to get to a point where the board will say yes or no. He asked what is the grade between the driving surface and the shed, about 5-feet?

Thomas replied probably more than that. The problem is if he does get to the back of the house where would he put it.

John said that's another thing you would require a variance because you would be too close to the lot line.

Bill asked what is in the back of the house on the side.

Thomas said well the pool house is there.

John said when you revise your site plan show the board everything that is there on the site plan with offsets, give the board as much detail as possible.

Bill said if you put the garage on the side will you be able to get to your septic tank to pump it out.

Thomas said the septic is in the back. They run hoses to pump it out.

John said if on the plan you can show the board some topography and the elevation and grade change.

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

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

All ayes, motion passed to schedule the public hearing for July 13, 2023.

### **Peppino's Foods: Commercial Area Variance: 304 Station Rd, SBL #86.1-22.100**

Applicant is seeking an area variance for 5% building coverage and 27% for lot coverage.

Sue (applicant's agent) said that they are seeking approval for an existing warehouse and the applicant is seeking to construct an 11,550 square foot steel building. The variance is basically for parking. She went through the balancing test that was submitted.

John said that he sees in the application that the applicant has combined three lots into one. On the map the two parcels are listed as separate SBLs and that is not the case correct, you combined the old railroad bed with the parcel that you are proposing for the coverage variance.

Sue said correct.

John said originally the lands surrounding the property were not owned by Peppino's. To alleviate the building and lot coverage variances that are being requested, the applicant because they own adjoining property could combine the piece behind to add to that to decrease their ask for the percentage on building and lot, have they considered that.

Sue said yes.

John said that is part of their test. The board gives the least variance possible. The parcel is wet as it slopes down from the improved grade.

Giuseppe (applicant) said that it is a little wet due to the lake from the farm.

John said that the topography is going down, the area was wet when he walked it with the applicant and he is assuming that the lower area is wet as well.

Giuseppe said that it is not really wet. The only wet spot is in the corner near the lake.

John said if you add that piece to the rest of the parcel you will bring the ask down, which is easier for the board to do. He said if you are willing to do that it is less of an ask and easier for the board to say yes to the lot coverage, so you are lowering the density and you are increasing the lot size of the parcel.

Paul G. asked how big is that piece now.

John said it is 4.62 and are add 1.5. Whatever you add decreases the percentage of coverage, so whatever he adds brings the ask down which is what needs to be done.

Giuseppe said that there is an existing pad that they want to use and that is about 11,000 square feet.

Paul G. said it is impervious already.

John said it is a concrete pad. They are looking to increase parking; the building is less than an ask as it is already a concrete pad.

John asked for a motion to set the public hearing. He said what Control Point can do is if the applicant is willing to add that parcel that is behind this to it, and then the board will do an evaluation of what your percentage was without to the percentage with it.

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

All ayes, motion passed to schedule the public hearing for July 13, 2023.

Paul G. said that he wants to see the new lot lines and what he is giving up to satisfy lowering the percentage.

John said that would be a good starting point and from there, if they are still above an acceptable threshold, they can talk about some alternate methods of impervious parking areas.

## **Public Hearings**

### **Relyea, Susan: Area Variance: 1 Maple Ave & Brinkerhoff Ave, SBL #88.17-10-3.200 & 88.17-10-4**

Applicant is seeking area variance for proposed lot #2 for rear yard setback, and an area variance for proposed lot #1 for side yard setback.

John read the resolution.

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 asked for a motion to approve the resolution.

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

All ayes, motion passed to approve the resolution.

**Walton, Gia: Area Variance: 1 & 25 Picnic Woods Rd, SBL #94.2-2-18.130 & 94.2-2-18.141**

Applicant is seeking an area variance for lot area. Proposed lot #2 is a new buildable flag lot 2.04-acres in size. The flagpole is 0.16-acres in size which may not be counted towards lot density, therefore relief of 0.12-acres is needed.

John asked for a motion to close the public hearing.  
Motion made by Paul G., 2<sup>nd</sup> by Russ.  
All ayes, motion passed to close the public hearing.

John read the resolution.

John asked for a motion to approve the resolution.  
Motion made by Bill, 2<sup>nd</sup> by Russ.  
All ayes, motion passed to approve the resolution.

**Administrative:**

**Minutes to approve:**

May 11, 2023

John asked for a motion to approve the minutes.  
Motion made by Russ, 2<sup>nd</sup> by Paul G.  
All ayes, motion passed to approve the minutes.