

**APPROVED:**

**MOTION BY:**

**SECONDED BY:**

**AYES:**

**NAYS:**

**ABSTENTIONS:**

**ABSENT:**

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Certification of Receipt

By:

Wendy Rosinski, Town Clerk

**ZBA MEETING MINUTES**  
**TOWN OF LLOYD ZONING BOARD**  
**Thursday, July 11, 2019**

**CALL TO ORDER TIME: 7:00PM**

**PLEDGE OF ALLEGIANCE**

**ATTENDANCE**   **Present:** John Litts, Chair, Paul Gargiulo, Vice-Chair; Alan Hartman; Russell Gilmore; William Brown; Michael Guerriero, Town Board Liaison; Anthony Giangrosso, Deputy Building Inspector; Alexandra Dobles, Land Use Attorney; Laura Oddo-Kelly, Administrative Assistant to Planning and Zoning.

**ANNOUNCEMENTS: GENERAL, NO SMOKING, LOCATION OF FIRE EXITS; ROOM CAPACITY IS 49, PURSUANT TO NYS FIRE SAFETY REGULATIONS. PLEASE TURN OFF ALL CELL PHONES.**

**New Public Hearing**

**Watson, David, 10 Bellevue Rd., SBL# 88.17-2-36.120 in R2 Zone.**

Applicant is seeking to overturn a determination of the code enforcement officer, in the alternative, obtain an area variance relief of 5' for the side yard to construct a post and beam carport roof with landscaping pergola. The required setback for the side yard is 35' and applicant has 30'.

A **Motion** was made by Russ Gilmore, seconded by Paul Gargiulo to open the public hearing.  
All ayes.

There were no public comments but letters were sent in that the Board reviewed again.  
A **Motion** was made by William Brown, seconded by Paul Gargiulo to close the public hearing.  
All ayes.

Litts reiterated and explained the two determinations the ZBA would be making.

The Board discussed how the building is a structure by way of the definitions in the code.

Litts said the fact that the slab is monolithic in itself makes the building a structure because it trips the threshold of 250 feet.

A **Motion** was made by Paul Gargiulo, seconded by Russ Gilmore to accept the determination of the code enforcement officer to deem that the proposed project is a structure and subject to the side yard and setback requirements. All ayes.

The Board conducted the balance test with Land Use Attorney Alexandra Dobles.

Dobles said the Board needs to determine the benefit of the applicant weighed against the detriment of the health, safety, and welfare of the community.

The balance test consisted of the following:

Whether benefit can be achieved by other means feasible to the Applicant; Whether there would be an undesirable change in the neighborhood character or detriment to nearby properties; Whether the request is substantial; Whether the request will have adverse physical or environmental impact or effects; Whether alleged difficulty is self-created.

The Board read through and discussed the balance test with counsel and determined the variance would not create any adverse effect on any of the balancing test topics.

A **Motion** to grant the residential area variance was made by Paul Gargiulo, seconded by William Brown. All ayes.

**Simpson, Robert I., Grove Street, SBL# 88.69-10-5 in R 1/4 Zone.**

Applicant is seeking an area variance to have a shed on a vacant parcel. Shed was removed from the front yard of an existing adjacent parcel in order to comply with the Town of Lloyd code.

\*Applicant withdrew\*

**Minutes to Approve:** May 9, 2019

A **Motion** to approve the minutes of May 9, 2019 Zoning Board Meeting was made by Russell Gilmore, seconded by William Brown. All ayes.

A **Motion** to adjourn was made by Russ Gilmore, seconded by Alan Hartman, at 7:24 PM. All ayes.