

**APPROVED:**

**MOTION BY:**

**SECONDED BY:**

**AYES:**

**NAYS:**

**ABSTENTIONS:**

**ABSENT:**

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By:

Wendy Rosinski, Town Clerk

## **ZBA MEETING MINUTES**

### **TOWN OF LLOYD ZONING BOARD**

**Thursday, September 12, 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; Laura Oddo-Kelly,  
Administrative Assistant to Planning and Zoning.  
**Absent:** Anthony Giangrasso, Deputy Building Inspector

**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 Business:**

**Law, Ryan, 65 Hawleys Corners Road, SBL# 79.4-1-12.100 in R1 Zone.**

Applicant is seeking an area variance to construct a garage with an accessory apartment in the lower front yard. Additionally, and simultaneously, applicant is seeking a special use permit from the Planning Board to allow an accessory apartment in part of the proposed detached garage.

#### **100-16 Regulations applicable to accessory buildings and structures in residential districts.**

The provisions of this chapter applying to residential districts shall be subject to such exceptions, additions or modifications as are herein provided by the following regulations applicable to accessory buildings and structures:

##### **A.**

Location.

[Amended 6-8-2011 by L.L. No. 2-2011]

##### **(1)**

No accessory building shall be located within a front yard.

The applicant was present, gave an overview of the project but did not bring any information for the Board to view. Law said the reason for asking to put the garage in the front yard is because behind the house is a straight hill up. Ten feet behind the house is also rock ledge and directly in front of the house is the septic. Law explained where they would like to locate the garage. Gilmore said he visited the parcel and saw the staked-out area for the garage.

40 Law said they wouldn't be able to meet the offsets to the property line if they position the  
41 building farther back. He explained that they had started the project not knowing the Town code  
42 would not allow a structure in the front yard. The existing house is 32 feet off the road and 17 ½  
43 feet off the property line.

44 Gargiulo asked if the applicant knew how many accessory apartments there are in the general  
45 vicinity.

46 Law said he did not know if there were any. Their proposed apartment would 800-850 sq. feet.

47 Gargiulo said the Planning Board would ask if the accessory apartment fit in with the  
48 characteristic of the neighborhood. There are two things to consider; a garage in the front yard  
49 and the apartment. He said even if the variance was granted by the ZBA, the Planning Board  
50 may not approve the apartment. There is no guarantee.

51 Litts said for the next meeting they will need a site map and pictures from the applicant.

52 The Board said they would go and view the staked-out area on the applicant's property.

53 A **Motion** was made by Gargiulo, seconded by Hartman to set the public hearing for October 10,  
54 2019. All ayes.

55 Law inquired when the public hearing would be.

56 Litts said the next ZBA meeting would be the applicant's public hearing but if they chose to, the  
57 ZBA could extend it to the following month. To expedite the process, Litts explained to the  
58 applicant to provide the ZBA with as much information as possible. Pictures, better site map,  
59 offsets, whatever information the applicant can provide the ZBA with that would assist them in  
60 their decision making will benefit the applicant.

61 Law said he had a site map and would supply it at the next meeting.

62 Litts said he didn't see how the applicant would be able to go in front of the Planning Board on  
63 09.17.2019 with something that is not allowed at this point. He said he's not advising the  
64 applicant not to go, the Planning Board may be able to have a preliminary discussion about it,  
65 but they would not allow an additional use in a building that in essence does not exist at the  
66 moment and can't exist without a variance. The ZBA decision needs to happen first.

67 The Board explained how the process works to the applicant.

68  
69 **Krystek, Paul & Susan, 19 Tricia Blvd., SBL# 88.1-8-9 in R 1 Zone.**

70 Applicant is seeking a residential area variance to install a 12' x 24' pre-built shed in the front  
71 yard.

72 **100-16 Regulations applicable to accessory buildings and structures in residential**  
73 **districts.**

74 The provisions of this chapter applying to residential districts shall be subject to such  
75 exceptions, additions or modifications as are herein provided by the following regulations  
76 applicable to accessory buildings and structures:

77 **A.**

78 **Location.**

79 [Amended 6-8-2011 by L.L. No. 2-2011]

80 **(1)**

81 No accessory building shall be located within a front yard.

82  
83 Paul Krystek was in attendance and submitted pictures and maps to convey the objectives of the  
84 proposed project. He explained the reasons for wanting to locate the shed on a certain spot on the

85 parcel. Krystek said that there are two significant ridges and considerable periodic flooding that  
86 occurs on a certain area of the property.

87 There was a lengthy discussion of location and the topography of the property while viewing  
88 maps and pictures.

89 Krystek said he has spoken to his neighbors who are in full support of the proposed project.

90 There was a discussion of the neighbors' view of the shed and possible other locations.

91 Krystek said there is just enough property to put the shed and still be able to leave a sliver of  
92 room to be able to access the lower portion of the property.

93 Litts requested pictures of the steepness of the side of the hill and the lower area which floods for  
94 the next meeting.

95 Hartman additionally asked for a picture of what the proposed shed would look like.

96 Gilmore said he visited the site. He said most of the properties in the cul de sac look exactly like  
97 the pictures the applicant provided; parcels with stonewalls and heavily landscaped. He said it is  
98 important to note that the structure will be very noticeable.

99 Krystek said he estimates that only 15% of the roof line will be visible to the neighbors. He said  
100 it is currently staked with markers and encouraged the ZBA to look at the location. Additionally,  
101 Krystek said that 85% of the structure will be hidden by the ridge and the stone wall on the  
102 property. The biggest view would be by the neighbor's property on 13 Tricia Blvd. and they are  
103 in full support of the project.

104 Gilmore said a number of the residents on Tricia Blvd. do have sheds and they are in back yards.  
105 Even with the support of the neighbors, the ZBA would be setting a precedence in the area if the  
106 project were to be approved.

107 Krystek said in commenting about the code, in a lot like this, it really should be about the  
108 perceived front yard as opposed to the actual one.

109 Litts said they have very straightforward guidelines and that is why the ZBA exists.

110 A **Motion** was made by Gargiulo, seconded by Brown to set the public hearing for October 10,  
111 2019. All ayes.

112  
113 **Minutes to Approve:** July 11, 2019

114  
115 A **Motion** to approve the minutes of July 11, 2019 Zoning Board Meeting was made by Russell  
116 Gilmore, seconded by William Brown. All ayes.

117  
118 A **Motion** to adjourn was made by William Brown, seconded by Alan Hartman, at 7:40 PM. All  
119 ayes.

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121