

ZONING BOARD OF APPEALS
TOWN OF LLOYD
AGENDA

Thursday, July 9, 2020

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.

Chairman Litts unable to attend. Paul Garguilo, Vice -Chair Alan Hartman, William Brown in attendance, along with David Barton and ZBA attorney Paul Van Cott.

Continued Public Hearing

Fanelli, John, 26 Gabriety Road, SBL# 95.4-2-26.210 in A Zone. (1.97 acres)

John Fanellil, 26 Gabriety Road, Highland NY (#95.4-2-26.210) is seeking residential area variances for: (1) an accessory building in the front yard; (2) a substandard-sized lot for an accessory apartment; (3) an accessory building within the side-yard setback; and (4) a principal building within the side-yard setback.

Applicant letters dated June 9, 2020 and June 29, 2020. Comment letter from Paul Lahey dated July 8, 2020; Comment letter from William Meltzer dated July 9, 2020; Comment letter from Martensens dated June 6, 2020.

Vice Chair Paul Garguilo leads meeting:

Paul G.: anything new on the Fanelli application?

Dave B: two new letters were received. One from Mr. Hurst, new attorney for Mr. Fanelli. This was entered into the record.

Paul VC: Also received a letter from Mr. Meltzer, neighbor to Mr. Fanelli, also entered into the record.

Both letters were circulated to the Board.

Paul G.: Would the applicant like to speak? (audio issues)

Mr. Bill Hurst, attorney for Mr. Fanelli: Thank you for allowing the adjournment of the meeting last month. Mr. Hurst attempting to bring a fresh look at the matter.

Hurst: reviewed application to date. Reminded board of the standards of area variances. Suggested that the standards for the existing structure in the front yard are fairly obviously answered. The status of the building which had been in existence since 1930s, and to which no exterior changes were to be made would create no additional impacts to the nature/character/environmental character of the neighborhood. The grant of an area variance for that structure does not threaten any undesirable change to the neighborhood, since there is no change and one would have become used to the structure in its present location.

Hurst: screening and landscaping are in play to mitigate undesirable impacts that neighbors feel they will experience.

Hurst: some consideration was discussed at a previous meeting about attaching some language about removal of the cottage in the resolution related to the new single family dwelling. This presupposes that some violence would be created in terms of impact to the neighbors should the side yard area variance be granted to the new building without removing the cottage, which does not make sense.

Hurst: letter submitted to the Board was to bring the discussion back to the basics of the standards of area variances and that the Board should take into account the impacts to the neighbors versus the impacts or benefits to the applicant. The neighborhood was obviously agricultural in the past, and has changed its nature, but lots are large, buildings set far apart for the most part, and this should be included in the balance test the Board performs.

Mr. Lahey, attorney for Mr. Cordovano, a neighbor of Mr. Fanelli: Mr. Hurst misrepresents that issue. The location should not be at issue. What is at issue is the fact that there are two single family dwellings on one property. Mr. Lahey encourages the Board to reconsider its review of an area variance while it should be a use variance.

Mr. Hurst: in response to Mr. Lahey: The location of the cottage is most definitely in the front yard, and the Board should be focused on the reality of what is on the ground and not be bound up in semantics.

Mr. Meltzer, neighbor to Mr. Fanelli: I submitted a letter, when the board tied the removal of the cottage to the relief of the side yard, he feels that 12 months is too short a time frame to require removal, due to the occupation of the cottage by a tenant, an innocent party.

Paul G: the Board has now new information and will require more before they make a decision. Screening with trees need to be explored.

Paul VC: It is the understanding that the Board desires professionally drawn plans showing screening with trees or landscaping in addition to the parking area for the new structure in order to show some possible amelioration of the issues brought up by neighbors. The Board has also asked to review the economic impacts to the Fanelli's if there is a cost of demolition, the mortgage payment, and the overall equity of the property reduction. The board desires to see the relevant negative economic impacts to the Fanelli's if the various reliefs are not granted.

Discussion ensued related to what the Board desires in terms of what the screening should be, where located, what type.

Alan Hartman: Primarily concerned about the view from the road and along the shared driveway boundary. Looking for a designed layout.

Paul VC: Design should focus on mitigating viewshed impacts to adjoining properties.

Paul VC: in relation to the discussion about renting the apartment: the Board's focus is on the location of the structure in the front yard, not on the use of the structure as an accessory apartment.

Paul G: reiterated the requests of the Board: Design for trees and screening, economic impacts.

Board agreed. Alan H. suggested that to him the most important elements were the visual impacts, in addition to the economic impacts.

Public hearing to be continued to next meeting.

Motion to Adjourn, William Brown, seconded by Alan H.. Unanimous.