

ZONING BOARD OF APPEALS
TOWN OF LLOYD
AGENDA

Thursday, October 8, 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 John Litts, Russell Gilmore, Paul Garguilo, Alan Hartman, William Brown in attendance, along with David Barton and ZBA attorney Paul Van Cott.

Public Hearings

Groves, Robert & Victoria Stockard, 27 Oak Crest Dr. SBL#87.2-3-13.1 in R-1 zone.

Applicant is seeking to construct a raised deck with stairs encroaching into the rear yard setback for emergency egress from second floor.

Chairman Litts is recused as neighboring property owner.

Applicant has submitted reviewed plans to reduce variance required based on September meeting discussion with ZBA

Vice-chairman Garguilo leads and ZBA opens public hearing.

Applicant presents revised plans and Board reviews them with the applicant. John L. provides public comment in support of the revised plans.

Board closes public hearing and approves requested variance.

Continued Public Hearing

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

John Fanelli, 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.

Chairman Litts opened discussion by reading the application.

Applicant has submitted new materials for the October meeting including an October 7, 2020 email, updated landscaping plans and visual simulations. Comment letters from Paul Lahey and William Meltzer also submitted.

John L. invited Fanelli to table.

Fanelli supplied the Tax bill for the Fanelli property which was requested by the Board. Asked if Board had any questions.

John L. asked if Fanelli was familiar and approved the changes to the site plan in reference to the additional trees for screening. Fanelli responded that he was. The Board reviewed the new landscaping mitigation plans developed by Fanelli and submitted by Attorney Hurst on October 7, 2020.

John L. asked if the Board had any questions for Fanelli.

William (Bill) Brown: asked about the rental unit and the use of the accessory structure as a rental for non-family members. Fanelli responded that he did not ever say that it would be for family members only.

Dave B. asked Paul VanCott to clarify that the ZBA's focus is not on the use of the structure, but on the location only.

Paul V. agreed. John L. agreed: John L. stated that he wanted to make perfectly clear that the ZBA's decision was not on the use of the structure, as the intended use as an accessory structure was not subject to the ZBA's review, only its location in the front yard and other area variances.

John L. asked if any members of the public wished to speak.

Mike Feola 43 Gabriety Road: 32 years resident. Cottage is part of the neighborhood. It was the first house on the street. His house was the second house. John (Fanelli) is a great neighbor. Everyone should be pleased to live in a neighborhood where a person like John will take care of the property. What (Fanelli) has done there has not changed the character of the neighborhood.

Paul Lahey, attorney for Cordovano: wished to reiterate the items that they have already brought to the Board's attention: it is their position that this is a use variance rather than an area variance. If the Board chooses to proceed with the area variance, the five criteria must be met: it is a self created hardship, it does change the character of the neighborhood-the focus on the existing structure is misplaced, it is the fact that a new structure has been placed on the property which changes the character of the neighborhood with the additional building, the addition of screening trees makes the case that there is a change in the character of the neighborhood and therefore Lahey encourages the board to deny the variances.

John L. entertaining a motion to close the public hearing on the Fanelli application: Russ G. moved, Paul G. seconded. Unanimous vote to close the public hearing. 5 ayes.

The Board has received and reviewed the proposed resolution sent around.

The Board desires the resolution read into the record and attached to the minutes.

Point of discussion concerning a submitted image by Fanelli showing a proposed future garage in addition to the proposed trees/landscaping. The future proposed garage would be in the front yard of the new primary dwelling and therefore would need a variance for an accessory structure in the front yard. Therefore the image is understood to not be included in the record. Therefore the Board is to strike the image from the record and Mr. Fanelli can come back, if he desires, to request a variance for a structure in the front yard.

Paul V.: resolution in response to Board's direction at the last meeting. An attempt was made to bring all the comments, discussion and submittals of the last several months into the resolution. The Board will review all the variances together in one resolution and therefore will address the combined effect of the variances. Also included are references to the financial impacts to the applicant for removal/demolition of the existing cottage.

Paul V. reads the resolution into the record.

Mr. Lahey asked if the mitigation plans mentioned should be completed within one year or started within one year: Paul V. answered "shall be implemented within one year of the date of this resolution". Which means completely done.

Board feels one year is fair. Fanelli agreed, first thing early spring best for planting. Fanelli agrees one year mitigation will be completed.

John L. asks for a motion to approve the resolution on Fanelli

Bill B. moved. Paul G seconded. Roll Call, John L., yes, Paul G yes, Bill B yes, Russ G, yes, Alan H yes.

5 ayes. Motion carried to approve the Fanelli resolution.

Motion to adjourn. 5 ayes