

**ZONING BOARD OF APPEALS**  
**TOWN OF LLOYD**  
**MINUTES**  
**Thursday, October 10, 2024**

**CALL TO ORDER TIME: 7:07 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.**

**Attendance:** Board Members: Russ Gilmore (Acting Chair), Bill Brown, Shawn Zerafa, Jessica Van Houten, Corey Miller, Mike Guerriero; Board Staff: Paul Van Cott and Sarah Van Nostrand

**Absent:** Board Members: John Litts and Paul Gargiulo

**New Business**

**Mazzetti, Joe: Area Variance: 509 N Elting Corners Rd: SBL #79.3-1-33.212**

Applicant is seeking an area variance of 0.08-acres for an accessory apartment in the basement.

Joe (applicant) said that he built the house in 2005 he got the building permit, it showed the basement with a future kitchen and bathroom. In 2005 he applied for a building permit to finish the basement to put the kitchen and bathroom in 2008. At that time the accessory apartment law didn't exist. He would like to bring it up to compliance. The law is different now with the acreage, he only has 0.92-acres, so he needs 0.08-acres because it has to be 1-acre.

Russ said it is really a compliance issue here, he is trying to bring his property into compliance and they cannot extend his property.

Pictures of the property were shown to the board.

Shawn asked if the apartment is currently being rented.

Joe said no not at this time.

Russ asked for a motion to set the public hearing for next month's meeting.  
Motion made by Shawn, 2<sup>nd</sup> by Jessica.  
All ayes, motion passed to schedule the public hearing for next month.

**Continued Public Hearings**

**Sessa, Danielle: Area Variance: 5 Lisa Dr: SBL #95.2-7-29**

Applicant is seeking an area variance of 7.5 feet for a shed that the previous owner built.

Russ said that the board was looking for pictures, and they got a lot of pictures and they were good pictures.

Pictures were shown.

Russ asked if the board could close the public hearing and they don't have a draft resolution.

Paul said there is no draft resolution as the board didn't do a straw poll last meeting because the board wanted to wait for John. If the board wants to go a head and do that tonight then they can. The board can close the public hearing and move towards a decision next month.

Russ said the board can close the meeting and take a straw poll.

Paul said yes.

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

Paul went through the balancing test with the board.

1. Undesirable change in neighborhood character or to nearby properties?

Russ said that is not the case as it has been there for a while and there have been no negative comments from the public.

Board agrees.

2. Whether benefit can be achieved by other means feasible to applicant?

Paul said he is not sure if there is an alternative unless they move it somewhere.

Russ said that the structure is substantial and it cannot be moved to another location easily.

3. Whether the request for relief is substantial?

Paul said the board is looking at a substantial variance because you are looking at a 50% of what the setback would normally be, but the board can take into account if this is the case, the board doesn't consider it to be a significant environmental impact.

Russ said that the request is substantial because it is 50%, but the structure cannot be moved to some other place.

Paul said whether it has an impact or not is kind of the issue.

Shawn said that it is already there and there and any impact to the neighbors or environment has already been established and there is no one in the public saying they have any negative thoughts.

Jessica said that there would be an impact if they were to change it.

4. Whether the request will have adverse physical or environmental effects?

Russ said that he doesn't believe there was any. He didn't see any wetlands; he didn't see any of the usual things that would have an environmental impact.

Board agrees.

5. Whether alleged difficulty is self-created?

Paul said in this the property owner knew going into it, that the prior owner had done this and had applied for a variance, so he suggests that it probably is a self-created difficulty, but that doesn't mean the board cannot still grant the variance.

Board agrees that it is a self-created difficulty.

Straw Poll:

Corey-aye

Jessica-aye

Shawn-aye

Russ-aye

Bill-aye

**Administrative:**

**Minutes to approve:**

September 12, 2024

Russ asked for a motion to approve the minutes.

Motion made by Shawn, 2<sup>nd</sup> by Corey.

All ayes, motion passed to approve the minutes.