

**ZONING BOARD OF APPEALS**  
**TOWN OF LLOYD**  
**MINUTES**  
**Thursday, December 12, 2024**

**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.**

**Attendance:** Board members: Paul Gargiulo, Russ Gilmore, Jessica Van Houten, Corey Miller, Bill Brown (via Zoom), Mike Guerriero (Town Board); Board Staff: Sarah Van Nostrand

**Absent:** Board Members: John Litts and Shawn Zerafa

**New Business**

**Long, Steven & Myriam: Area Variance: 15 Lockhart Ln: SBL #88.13-8-7**

Applicant is seeking an area variance of 7 feet to install a 13-foot-tall fence.

Review Status: Application and supporting documents circulated to the board.

Paul G. said they are over doubling the height requirement.

Steven (Property owner) mentioned that the neighbors come over onto their property.

Paul G. said you don't think a 6-foot-high fence would stop them from coming over.

Myriam (Property owner) said that the neighbor looks over the fence because she is tall.

Steven said this has been going on for 5 years and it all started because they put their fence on his property.

Myriam said they would like to replace their existing fence with a 13-foot fence to block their neighbors. For the last five years her husband has taken the harassment, stalking and intimidation non-stop. They have confronted them on numerous occasions and they refuse to stop even after an arrest. She has had enough of them interjecting their lives onto them. She had her husband put up a portion of the fence and it made a difference, she felt peace, no one staring at her, no lights shining on them.

Paul G. asked if they got a variance to put the first fence up.

Steven said they had a fence up, this is a repair, replacement of a fence.

Paul G. said the bottom piece is on the wrong side.

Steven said the neighbor put up a 3-foot fence in front of the school.

Myriam said the neighbor has a porch and when they came outside, she would be looking at them. With the fence she cannot see them in their yard.

Russ asked for clarification which house is yours in the picture shown.

Myriam said the house that is shown is the neighbor's house. At one point they had a tarp that was 30 feet high and 150-feet long.

Steven said that they are going to block them no matter what the board says.

Paul G. said that a fence that high does not fit in with the character of the neighborhood.

Myriam said the character of the neighborhood also includes their mental health; no body see this besides them.

Jessica asked if the fence that is currently there is that on their property.

Steven said yes.

Jessica asked if they put up that fence.

Steven said yes.

Jessica asked where is the fence you said that she put up.

Myriam said she has a fence on the other side that is a chain link fence.

Jessica asked if it was on their property.

Myriam said it was, but they had them move it.

Jessica said she understands and it sounds like there are a lot of issues here. Unfortunately, they are just the Zoning Board and they have to follow their guidelines and take those things into consideration. She understands that it is a big issue, but the board has to look at their guidelines and see what can be done.

Myriam said that is why they are here to see what can be done.

Jessica said what the board will eventually get to is, is a 13-foot fence, their only solution to this issue.

Paul G. asked what is the length of the fence could you meditate it, if you put up a 5-foot higher fence could you just put it on an angle that blocks the porch.

Steven said they are not going to go down the whole property line, its only going in that section.

Myriam said they are not going all the way down, it's just to block that one section.

Steven said they have these two war dogs and once one barks, the neighbor comes out and tells them that they cannot be in their yard. He hasn't been able to for the last two years go into the yard because it was so constant with the police.

Paul G. said he understands that, but this fence is permanent.

Myriam said the fence is permanent, until they move or their neighbor do, then they will take it down.

Paul G. said the fence law has been in there for ages. It has always been a 6-foot fence, no matter what material it is. If this board grants the variance for a 13-foot fence and it is out of the characteristic of the neighborhood, it is almost out of the boards parameters.

Myriam asked what can they do, can it be a temporary fence. Right now, this fence works.

Paul G. said he is going to have to take a look at this.

Bill asked who is the good side of the fence facing.

Paul G. said that it has been explained and needs to be changed.

Myriam said the top part has been taken down.

Steven said that if the board cannot allow them to do this, then it will go further. He wants to know where the control ends. They have a legal right to block them.

Jessica said that they need to talk to the attorney and would need more information.

Paul G. said he is curious if they put a 13-foot-high tent, five feet off the property line, if that would work.

Steven said that would work.

Jessica asked what about some kind of netting.

Steven said they have to do something.

Jessica said they are going to talk to their attorney about what is legally feasible and within regulations.

Paul G. said when you come back next month they will have a definite answer for them. The number one issue that has to be corrected is the fence has to be turned around.

Russ said it also has to be 6 feet until the board makes a decision.

Myriam asked if they could make it 8 feet.

Russ said the board cannot make this change at this point.

Jessica said there are legal privacy materials that you can use and that is what the board has to look into.

Paul G. said the issues are one the fence the second is they have to find out what they can legally do for privacy. He has to see if they could put a cloth or screen of some kind off of the fence. He said that if there was a junk yard next door the board could probably give another two feet, but not more than double.

Steven said that he see that board's hands are tied a little bit.

Paul G. said they have to find common ground, that is what this board is for. The board also has really tight rules they have to follow.

Jessica said filing for a variance is probably not the most efficient way to solve this because the variance you probably won't get it.

Corey said the board will try to provide guidance and alternatives from their attorney.

Board looked at the photos.

Board agrees that they are not ready to hold a public hearing.

## **Public Hearings**

### **Sisilli, Richard: Area Variance: 18 Falcon Dr.: SBL #86.4-3-13**

Applicant is seeking an area variance of 23.3 feet for the side yard setback to build a garage.

Review Status: Public hearing set for 12-12-2024

Potential Action: Open public hearing

Paul G. said is it 11 feet on the front corner.

Richard (Property owner) said its 11.7 feet to the front side of the garage.

Paul G. said its 19 in the back.

Richard said it's 15.

Paul G. said the side yard setback is 25 feet.

Russ said there is a reason you couldn't move it any further, what was it again.

Richard said if he was to move it to the right 2-3 feet, he's looking at bringing in about 140 tons of fill, not to mention he would have to move his propane tank. Not to mention that the whole idea of the garage is for storage for his boat, so to make the turn to put the boat in, it would be impossible. Plus, environmentally it would look better where it is, it would be hidden by a berm that is to the left.

Paul G. said if you put the garage all the way over to the propane tank.

Russ said which he cannot do because he has to stay so many feet away from the tank.

Richard said that it shows the tank as being round, it's actually torpedo shaped.

Paul G. asked what way does the torpedo go.

Richard said the torpedo goes the same way as the house. He had the propane company come out and mark it and they gave him an estimate to move it.

Paul G. said that if you move the garage, you can make the 25 feet.

Richard said he was told it was 35 feet.

Paul G. asked what the distance was between two points on the map and if it was 40 feet.

Richard said at that point the garage would be up against the house. Even if he moved the garage further back behind the propane tank it would still require additional amount of fill.

Paul G. pointed to two points and asked if it was needed between them.

Richard said it is a drop off, not a large one, but it's about a 5-foot drop. Where it sits right now is up on a ledge, so it requires much less fill to come in.

Russ said there is a dry well that was over there as well.

Richard said that the dry well is connected to the gutter drain that is the dashed line on the map. The additional cost to move it over just in excavation fees is another \$15,500.

Paul G. said he would like to see more like 25-foot setback. A variance of 10 feet would make a big difference in the overall picture.

Richard said as far as neighbors that it will effect, the one is for it and is on Zoom.

Paul G. said if he can get the variance down to 13.5, he would like to see that.

Jessica asked which way.

Paul G. said if he moves it towards the propane tank 10 feet more.

Richard said it would be more visible from the road and increased excavation costs.

Pictures were shown.

Jessica said looking at this picture you want to put the garage to the left of the boat.

Richard said to the left of the boat would be the left corner of the garage.

Paul G. said it would fit the characteristic of the neighborhood as there are houses with 3 car garages visible to the road. It still behind his house, he feels it will be better moved.

Richard said he lives there everyday and he thinks it would look better and flow better with the neighborhood. Additionally, he would have to bring in fill and it would have an environmental impact, he would have to take up his footing drains.

Paul G. asked why couldn't he go over the footing drains.

Richard said what if they break.

Paul G. said then you would have to dig them up anyways.

Richard said it would also take away more of his backyard. He asked what is the main reason.

Paul G. said reducing the impact of the variance, if they can get 10 feet more and they have mediated it. It is possible to do and he doesn't know why they cannot do it.

Jessica said it would be a less significant variance that you would be asking for, from what is legally already in the zoning code. That is part of the board consideration for their balancing check. She said that you mentioned that the fill will create an environmental impact, what is the environmental impact.

Richard said you are bringing in fill from an outside area, any time you move fill you can bring something to the area you are not supposed to. He also did some research on other variances that came in front of the Town of Lloyd. He saw some all the way down to six or eight feet off the property line. He knows that every project is different.

Russ said don't the houses in the cul-de-sac have their own separate garages.

Richard said yes.

Russ said the board also looks to tie in the neighborhood.

Richard said he cannot go to the other side of his house because he has an environmental easement. His neighbor was able to get around that, but he cannot.

Corey said he took a drive by and took a look. He said where the applicant wants the garage it would definitely be less noticeable. If you slide it over, he thinks it will stand out more.

Paul G. said the applicant could always plant foliage along the driveway and all anyone would see is the garage door.

Paul G. opened the public hearing.

Trevor (4 Eagle Ct.) said that he has been to the meeting before.

Paul G. asked if he will be on the other side of you.

Trevor said he is technically in the front.

Paul G. said he would be to the right of you.

Trevor said yes. It is nothing against his neighbor, he is here to make sure the board sticks to prior decisions and that they stick within the guidelines. It looks like there is plenty of room for him to move the garage. Does it cost money, yes, but there is room on the other side of the house. He can turn it sideways, move it closer to the house. If you look at 21 Falcon Dr., he has the same set up as this one, the additional garage is right next to the house. That would remain within the characteristic of the neighborhood. He said there is no point in granting a variance when one is not needed.

Paul G. said he is just trying to mediate this, so instead of giving him a 23-foot variance, give him a 13-foot variance.

Trevor said he understands that, but his issue the cost to move it.

Paul G. said that cost doesn't play a role in the board's decision.

Trevor said that there are other spots to put the shed; move it closer to the house, he could go to the other side but he would have to put in another driveway. He understands why he doesn't want to move it closer to the house, but he could move it closer. He understands his concerns about the footing drains, but when you go to dig the footings for the garage, you could move the footing drains.

Paul G. said the footing drain is immaterial to the scope of the job. He could move it closer to the propane tank, but he is not asking the applicant to do that, he is trying to find common ground and mediate the hardship and he feels that 10 feet will make a big difference.

Discussion about a previous project took place.

Trevor said if there is room to move it and it is within the guidelines then there is really no need for him to be here.

Jessica said she thinks this has to remain open.

James (14 Falcon Dr) said that when Trevor was before the board it was a house that was not zoned for a house. This is talking about a garage which won't impact the yard as much. It's 13 feet instead of 35 feet, the only person that this impacts is himself and his wife. 13 feet is not going to change anything versus 35 feet. A giant house that was going to be put behind his property which is why

they spoke up against the other project. He doesn't have a problem with 13 feet, it's not going to cause any problems over there, he's going to have to do less excavation.

Discussion about the variance and alternatives took place.

Board wants to do a site visit to look at possible other options. Public hearing will remain open until January.

## **Old 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.

Review Status: Public hearing closed 11-14-2024

Potential Action: Approval resolution

Paul G. recused himself.

Jessica was appointed as acting chair.

Jessica read the resolution.

Jessica asked for a motion to approve the resolution.

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

Roll Call Vote:

Russ-aye

Coey-aye

Jessica-aye

Paul G. recused

Bill absent (unable to vote as he was on Zoom)

## **Administrative:**

**Minutes to approve:**

November 14, 2024

Russ asked for a motion to approve the minutes.

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

All ayes, motion passed to approve the minutes.