

ZONING BOARD OF APPEALS
TOWN OF LLOYD
MINUTES
Thursday, June 13, 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: John Litts, Paul Gargiulo, Bill Brown, Russ Gilmore, Corey Miller; Board Staff: Anthony Giangrosso and Sarah Van Nostrand

Absent: Board Members: Shawn Zerafa and Jessica Van Houten

New Business

Marc Panzella: Area Variance: 5 Lisa Drive: SBL #95.2-7-29

Applicant is seeking an area variance of 7.5 feet for a side yard setback.

Marc (Applicant) said that during COVID (April of 2020) he built something to work out in. He has to sell the house as he is going through a divorce and he went to Anthony to show him what was done, but unfortunately the setback is 15 feet off the property line, and he is 7.5 feet off the property line. He offered to take it down, but at the same time he submitted a building permit and paid for it. As they dug deeper it was over the 250 square feet and the setback, so he applied for the variance. He posted it on Facebook to anyone who wants to buy it, he had 40 people who wanted it. He would have taken it down, but he is in the process of selling the house, so it does add a nice asset to the property in the sale of the house.

Paul asked what is the shed built on.

Marc said he did 8-12 inches of stone and 6 x 6's all surrounding everything. Everything is built on the 6 x 6's and is concrete in-filled on the inside.

Russ said it is actually just sitting on the pad.

Marc said no it is on the 6 x 6's. It cannot be moved to the right as he would have to take out the tree and to the left it would be closer to the property line. It is all stick built, it has been there for 4 years and there isn't a crack in it.

Paul asked how far away is the neighbor's house.

Marc said they are 70 feet away from the property line, so about 80 feet from the shed.

John said typically what the board concerns itself with is access and maintenance, so 7.5 feet while not ideal is doable, you can paint the shed without being on the neighbor's property. The row of pine trees are they on your property or your neighbor's property.

Marc said yes, the pine trees are on his property.

John said it is behind the house line so there isn't an issue there. The board will set a public hearing. The shed appears to be built pretty well and it is more than a shed that could be moved easily. The tree would be a consideration. He feels the board would put a condition where the vegetation barrier has to remain on the property line because it is close and there is already vegetation there. If you do sell the house, he doesn't want the new owners to clear cut it and have it that close to the neighbor's property.

Paul asked what mechanicals does he have in the shed.

Marc said he has lights and a mini spilt.

John said what he thinks should be done for the next meeting is that he would like pictures from the back and alongside of it, so the board can see what the neighbor's property looks like. He would like a flag or something on the property line so that the board can see where the shed is in relation to the property line and what kind of vegetation is there.

Marc said even with the row of trees there the neighbors can see it.

John said it is blocked from viewshed because it is a variance they want to give the least relief that the board can.

John asked for a motion to set a public hearing for next month.

Motion made by Russ, 2nd by Bill.

All ayes, motion passed to set the public hearing for July 11, 2024.

Marc said he will come with more pictures at the next meeting. He said it will be difficult to mark out the property line as it is not straight.

John asked how he came up with the 7.5 feet of relief needed.

Marc said from the corner of his garage there is a set number.

John said you used the house as a reference point over to the property line and then you measured back.

Marc said correct.

John said do the same thing, where the property line is put a flag and then put a tape measure from the flag to the building, take a couple of pictures, so the board can get an idea of where it is and what the viewshed is going to be from the neighbor. The more information you can provide the board, the smoother the process goes.

Vineyard Portfolio: Use Variance: 19-25 Vineyard Ave: SBL #88.69-3-5

Applicant is seeking a use variance for two first floor apartments in the CB Zone.

Nicole (Applicant's agent) said that the property owner just bought the property from an estate, it is not in very good condition. The building is a total of six units, four on the upstairs level and there are two units downstairs, but they are currently zoned commercial. The client is trying to get those bottom two residential. In that area there is very limited parking if it was going to be a commercial space there wouldn't be enough parking. There is no sidewalk there for it to be commercial availability and it doesn't seem like a very beneficial area for commercial, the other properties in the neighborhood are also residential, so they would like to make the bottom two into residential. They do have other rentals in the Town of Lloyd, that they have been very successful with.

John said that a use variance is much more difficult to get than an area variance. What you would have to show is a financial hardship. He asked how long has the applicant owned the property.

Nicole said they just bought it on September 14, 2023.

John said what they are going to need to do is show hardship, so have they had that listed as a commercial rental.

Nicole said she is not sure.

John said you are going to have to provide the board with information saying that they cannot get a reasonable return on their investment, using it as a use that is approved or allowed in that zone. Which may be fairly difficult since he just bought it because there is a financial gain, or he wouldn't have bought it. They are also going to have to provide why their circumstance is unique to the zone or unique to the neighborhood, so when you say that a lot of the buildings in the area have apartments, so then this is not unique this is the same as other buildings in the area. You are going to have to show that it is a unique situation to the area, to the zone. He said what he thinks the board is going to do is he will reach out to the board's attorney and have him prepare a packet and tailor it to this situation to give you guidance on what you need to do. He said use variance are difficult to get as the board's hands are tied on what they can grant. He does understand this area of town, and he thinks at the next tri-board it should be brought up that this zone for this area doesn't make sense because in this area the commercial use you are not going to get it.

Discussion about former businesses in the area took place.

John said when you get into this area of town the businesses died off.

Anthony said when he first started working with the town, he went there for a complaint regarding the first-floor units not having floors. The whole building was started to be demoed, but there was one apartment that had someone living in it. The new owner realized that there are three floor is going to put a full sprinkler system in it and a full fire alarm system. The way the building is now and what he is proposing to do with it is going to put the building back on the tax rolls.

John asked for a motion to set the public hearing for next month.

Motion made by Bill, 2nd by Russ.

All ayes, motion passed to set the public hearing for July 11, 2024.

Paul suggested that the applicant get a tax map and color in which ones are residential and which ones are commercial in the area and it shows the board the feeling of the neighborhood.

John said they will discuss this with the Town board informally as he feels it is bad planning to keep this area as CB.

Administrative:

Minutes to approve:

May 9, 2024

John asked for a motion to approve the minutes.

Motion made by Russ, 2nd by Bill.

All ayes, motion passed to approve the minutes.