

ZONING BOARD OF APPEALS
TOWN OF LLOYD
MINUTES
Thursday, January 9, 2025

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, Shawn Zerafa, Jessica Van Houten (came in at 7:03 pm), Corey Miller, Mike Guerriero (Town Board); Board Staff: Anthony Giangrosso and Sarah Van Nostrand.

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 opened 12-12-2024

Richard (Applicant) said that he is looking to build an 18 x 31 garage. He understands that the property is zoned agriculture and the setback is 35 feet. He feels that adhering to the setback will be detrimental impact to the property. He feels that the only option for this garage that will complement development and preserve the environment is the requested setback that he had. His property is 2.71 acres, there is a conservation easement along the southern boundary. The house is situated 250 feet from the roadway and 114 feet from the southern property line. Building the garage with the current setback would not only make it visible from the road but would also distrust the natural landscape. The land would need to be raised approximately 4-5 feet resulting in 140 tons of fill to be brought in and would cost an additional \$8,000. This would cause him to have to move his footing drains at a cost of \$4,000. He would need to relocate his propane tank estimated cost is \$3,500. These additional costs would exceed \$15,500 and it would surpass the budget that he has for the garage. If he is granted the variance he could utilize the natural grade of the rock on the left side of the property for a foundation for the garage, this area already has a gravel pad. The placement of the garage in this location would enhance the development by including seclusion from other properties. He has talked with his neighbor who would be directly effected by this, and he has expressed his support for this project and agrees that it is the most suitable location for both properties.

John asked where is the buried propane tank.

Richard said where it says buried tank, it is a torpedo tank that runs the same way the house does.

John said that he could read his narrative and the board would follow along.

Richard submitted and read a letter.

John said that in every case that was stated it goes by a set of criteria, every one of those was approached the same way as this one, it will be the least amount of relief and the least amount of impact, whether the variance is necessary. Every case that was stated there was a reason that the variance was granted, every variance that this board grants is the minimal that they can possibly grant. He said you mentioned is was 104 cubic yards of material at \$8,000, that's about \$80 per cubic yard.

Richard said that he doesn't know the exact amount, but that is what he was quoted.

John said that the board needs to see that. The board needs to give him the minimal that they can, so moving that structure further away from the lot line is what the board is going to try to do. If you say you need 104 cubic yards, the board needs to know the area that is going to get filled, to what elevation and what extent. He feels that the proposed location is a little close to the property line. If the garage could be moved 35 feet away a variance wouldn't be needed, but then the driveway would have to be extended. You cannot say that it was done in other cases because every case is unique. If you can come up with valid reasons why that is the only place it can go, it can be financial, there could be many factors. He would need to see more, he would need to see a topo, from where it is proposed right now which is on a rock ledge correct.

Pictures of property were shown.

Richard said on the right-hand side you see the boat which is sitting on the edge of where the garage would go. To the left of that it drops down not too much, but he would want to bring it up to grade, as the back right-hand corner does flood a little bit. The ledge would hide the garage as he is not looking for the neighborhood to see it, unless that is not a factor.

John said it is a mitigating factor but the board has to be able to say that they have exhausted every other possibility to grant him that 15 feet.

Richard said that one of the board members mentioned 13 feet and he went out and checked that to see if it would be doable if he did that the garage would be much closer to the house.

Paul G. said that if you move the garage another 10 feet towards the house, you would be able to get a machine around it and reduce the variance.

John asked what is the elevation change from the proposed location of the garage towards the house.

Richard said from the back corner of the garage it would be 4.5 feet.

John asked how far off.

Richard said 3-4 feet.

John said so 3-4 feet before it drops and does it hold that elevation throughout.

Richard said the farther you go back the more it grades, that whole property is graded towards the road.

John said the 104 yards what limit does that fill.

Richard said that fills pretty much from if he was to do the 35 feet off the property line and would add 34 feet behind it.

John said if you fill that area, it would get you to where you would not need a variance.

Richard said correct.

John said if the board can get the number to 25, you wouldn't need as much fill, as it gets deeper you said your topo goes down, so the number would reduce if you don't move it as far.

Richard said he wouldn't need 104, but it would be pretty close. The exact amount he couldn't tell the board without calling for another estimate.

John said he would feel more comfortable with 25 feet, than a 15 or 11.

Richard said he doesn't mind the foot drain side of it as he understands what the board is saying, but he would have to rip up part of the driveway which would be an additional cost. He doesn't know if they put a y in there or what they did and he understands that it is not the board's problem.

John asked for the footing drains.

Richard said yes, the footing drains are only about 4 feet off the back corner.

John said if you are going to do that, instead of ripping up the driveway, put a J box in and reroute it. It would be cheaper than ripping your driveway up.

Richard said he is just trying to mitigate the cost as much as possible.

John said that is where the balance is going to be your cost and the board's relief. You have to explain to the board why it is not feasible to place it in a spot where a variance wouldn't be needed. You are saying you would have to fill in more, come off your driveway, move the tank.

Richard said that the main reason for this is to store his boat or his skid steer, he wouldn't be able to make the swing with the way the driveway is, the proposed location would provide a straight run.

John said all of those are going to be mitigating factors. He asked if the quote included the grading.

Richard said that includes that as he is not comfortable doing the grading for a cement slab.

John said if the board can get that cost down and maximize the offset from the property line, minimize the variance, he would be more comfortable with it.

Richard said that the rock ledge would hide the garage from view of the road and he feels that is important.

John said one of the things that the other applicants have done is flagging, put a couple of flags down for the proposed location and a couple of flags of a different color at 25 feet off the property line. Take a picture from the road, so the board can see if the garage is put here it is hidden by. The other thing is it is good to do it at elevation. Elevations would also be helpful for the board to see. He also would like to see a quote for fill at 25 feet off the property line.

Richard said he feels that it will still be a substantial amount of fill that would need to be brought in.

John said if you have the contractor go out have him shoot some elevations and use the driveway the benchmark of 0 and have the elevation difference from 25 feet and 35 feet off the property line.

Richard said that if he keeps calling the contractor out there to do more work, he won't be able to make the project work.

John said he could do it himself and give the board information on where he took the elevations from.

Anthony asked if he had any idea on how he was going to build the garage.

Richard said he submitted it with the building permit application.

James (14 Falcon Drive) said that the applicant discussed the garage with him and that he has no problem with it. The driveways are very steep and you wouldn't be able to see the garage from the road.

John asked so you are saying it goes up and then back down.

James said no it goes up and then levels out. Where the garage is proposed it will be nearly invisible to the road, if you move it out to the left more and more will be visible from the road. He said that 11 feet is more than enough to do work on the garage without going onto the neighbors property.

John said the board needs to justify why it is 11 feet and not 35 feet.

James said he understands that and that there is plenty of reasons why on top of that he is the only neighbor affected by this. The more you move the garage the more neighbors that will be affected by the garage.

Paul G. said one of the standards is can the garage be placed anywhere else on the property without the need for a variance and the answer is yes.

James said there is always some version of one those that is a yes, but most people apply for relief for some version of financial hardship. He is the only neighbor, in this situation here that is affected by the location of the variance and he has zero issues with it.

Public hearing was left open.

Old 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.

John said that he read the minutes from the last meeting and spoke with the other board members. A 13-foot-high fence is not going to fly.

Steven (Applicant) said that they need to have something.

John said that the board came up with some ideas. He said he doesn't know the cost but arborvitaes grow real fast and they can be put in up to 10 feet tall.

Myriam (Applicant) said they still need something, even if it is a variance for 7 feet and do a black netting, it would be temporary not permanent.

John said he doesn't think they could do that, that would still be a fence.

Myriam said it's not permanent, its temporary.

John asked Anthony if someone built a fence and then raised it with netting be it temporary or permanent.

Anthony said it still would be a fence.

Myriam said it would be a fence but would put the netting on top.

Steven said that they need some kind of relief from their neighbor in the form of a barrier.

John said he feels for them.

Steven said that the board needs to give them something or they are just going to do what they need to and that they will have to come after them.

John said it wouldn't be the board it would be the building department.

Myriam said that they are just trying to stop the harassment.

Steven said just give them the 7 feet and they will do what they need to.

John said he remembers doing 8 feet for commercial but he cannot remember if they have done 7 feet.

Paul G. asked what is the height for commercial.

Anthony said the last one proposed was for Zammiello that was commercial.

John said they didn't do it though.

Anthony said they didn't do it, but it was commercial.

John said he was thinking of the nursing home.

Anthony asked Valley Vista.

John said yes, remember they did the fence and they turned it around, wasn't that 8 feet.

Paul G. said no it is a wooden fence and only 6 feet.

John said didn't they want 8 and the board didn't give it to them.

Paul G. said no it was for the posts being on the wrong side and the neighbor said that he wanted them that way.

John said if the board says 6 feet, would the extra feet make a difference.

Steven said that she is 6 feet tall. On her side of the fence, it has been raised with dirt.

Paul G. said just plant arborvitae all the way down.

Shawn asked how is this going to stop all of this.

Myriam said that she would have to blocked.

John said he feels for the applicants. There is no way they are getting a 13-foot fence.

Steven said at least 8 feet because 6 foot isn't going to help.

John asked what is the height limit of fences.

Anthony said 6 feet without a variance.

Steven said they would like at least 8 feet.

Bill asked how long have you been neighbors.

Steven said for 20 years.

Myriam said this started when they put their fence on their property without a survey.

John said the application is 13 feet, you are going to have to amend the application to say 8 feet. The board can set a public hearing and he is sure the neighbor is going to show up.

Steven said they just want to put a buffer; they don't want to move.

Jessica asked if the neighbor is the owner of the property or is she renting it.

Steven said no.

Myriam said she is married to the owner.

Jessica asked who owns the property.

Steven said her husband does.

John said let's do this, he would like to set a public hearing for next month on the amended 8-foot application.

John asked for a motion.

Motion made by Russ, 2nd by Shawn.

All ayes, motion passed.

John said the board needs an amended application, a survey map showing them where the fence is located, delineation of the property line (with flags if need be) along with photos.

Anthony said that there should be a stipulation in the resolution that it is 8 foot max, nothing above the fence.

Administrative:

Minutes to approve:

December 12, 2024

John asked for a motion to approve the minutes.

Motion made by Corey, 2nd by Russ.

6-ayes, 1-abstain (John)