

**ZONING BOARD OF APPEALS**  
**TOWN OF LLOYD**  
**MINUTES**  
**Thursday, October 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, Shawn Zerafa, Corey Miller, Mike Guerriero (Town Board), Board Staff: Paul Van Cott (via Zoom) and Sarah Van Nostrand

**Absent:** Board members: Russ Gilmore and Jessica Van Houten.

**New Business:**

**Community Land 2002: Area Variance: S. Ohioville/Hurds Rd: SBL #94.2-1-4.152**

Applicant is seeking area variances for offset lot 1 needs 87.8 feet of relief and lot 3 needs 73 feet of relief.

Review Status: Application and plan circulated to board.

Koehler (Applicant's Agent) said that there is a number of owners for the larger lot that is on the back side of Ohioville and Hurds Rd. The whole group of people that own that land also own smaller lots along Ohioville. As the owners are getting older they want to get out of having community ownership of the land, so what they would like to do is to take the land that is behind those lots on S. Ohioville and basically extend it back to the end of the property. There would be a new building lot off of Hurds Rd, but then there are two of the owners are looking to build additional houses, so the proposal calls for the subdivision of those lots will behind existing homes. The code has a provision for flag lots having an offset from the houses in the front. To keep it fair for all the owners involved the lots are long, but in order to have that offset they would need to take more land from one of the other owners, which has no benefit to the other people. To offset the variance they are proposing rows of vegetation to help soften that appearance. They also supplied letters of support from the folks that live along S. Ohioville Rd.

Litts asked if Koehler could come up and explain what they are looking to do.

Koehler explained the plans.

Koehler said that the code requires some sort of offsetting of the houses. By looking at all the other

houses there is no way to make the offset work from any of them. If he moves the house to meet the offset then he would be taking land from the other owners and they wouldn't get equal parts of the land that they own now. They want to separate from the common ownership to each of them having their own land.

Gargiulo said there is a problem with two flag lots.

Koehler said that the code requires the house that is in the back would have an offset from the house in the front.

Gargiulo said you are proposing two flag lots in one subdivision, he doesn't think that is what they really look for.

Koehler said he had a conversation with Barton (Building Department Director) about this and based on the total number of lots for the whole application he said that it was acceptable to ask for. They went ahead and got health department approval for all the lots at the suggestion of the town, then they went to the Planning Board and from there they got referred to here.

Van Cott said he thinks it would be good to hear from the Building Department on this.

Gargiulo said his suggestion would be to put a hammerhead in the back and take that road to a turn around and make that its own road, then they wouldn't be on a flag lot.

Koehler said make it a town road.

Gargiulo said it wouldn't be that much longer.

Koehler said that is a very expensive option and he is not sure the town wants to take on another road for maintenance. The code allows flag lots and may be authorized as conforming lots only for detached single family homes and are allowed in any residential district except for areas where central sewer or water is available.

Gargiulo said that he thinks that this could cause trouble for the town.

Koehler said it goes on that such lots may only be approved only where the Planning Board finds that it won't endanger health and safety. He feels that this project meets the goals in the code.

Gargiulo said that the board had a prior project with two flag lots and it didn't go over well and they don't want to let this one go and have the other one to come back at the board.

Koehler said that the Planning Board referred it to the ZBA after they reviewed the project. The design is the final agreed upon by all the owners. When they went to the town for a pre-application meeting they suggested to get health department approval which they got. Then they went to the Planning Board, who seemingly accepted the application and then sent them over to the ZBA.

Van Cott said he understands that there has been a lot of work that has went into this project, but he does think that the board needs to hear from the Building Department.

Litts asked if the applicant could explain the lines on the map.

Koehler explained the lines on the map.

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

Motion made by Brown, 2<sup>nd</sup> by Gargiulo.

All ayes, motion passed to set the public hearing for next month.

Zerafa said he was wondering about the offsets for the property, do they need more land to create the lots.

Koehler said that section of the code states that the houses in the front shall be offset.

Zerafa said that you don't have the space to go laterally, so you want to put the houses right behind each other because you don't have enough space to move side to side.

Koehler said for proposed lot 3 the house is pinned right up to the building line. They moved it as far as they could so they were not behind each other as much as possible.

Zerafa asked so you are asking for relief to go straight back.

Koehler said it would have to be moved 60 feet to meet the offset for both of the houses.

Gargiulo said what if you took the house and rotated it 90 degrees and making it face the road.

Koehler said he would still need a variance because he wouldn't have the full offset, but he can look into it.

Zerafa said it might make the variance smaller.

Koehler said he might be able to take 25 feet off the variance. He will work with it to see if he can minimize the amount.

Gargiulo asked what if you moved the house back.

Koehler said that area in the back is wetlands.

Gargiulo asked how far would he have to run the road.

Koehler said lot 1 the driveway is 550 feet; he could probably add about 300 more feet to push it so the house is further back.

Gargiulo said he is not looking for that he is looking for a hammerhead, so you would be looking at 200 more feet of road.

Koehler said it isn't a road; it is a driveway.

Gargiulo said he is just trying to figure out what the cost would be to put the road in.

Koehler showed the board where he would put the hammerhead.

Gargiulo said he would like to know the distance if a road was to be put in.

Koehler said it would be about 350 feet long.

### **Continued Public Hearings:**

#### **YW Highland Realty LLC: Area Variance: 1 Lockhart Ln: SBL #88.13-8-4**

Applicant is seeking an area variance for 0.07-acres of relief from the minimum acreage required to have a 4-family dwelling in the R ¼ Zone.

Review Status: Public hearing opened September 11, 2025.

Potential Action: TBD

Zerafa asked if behind the tree line if he was going to pave the entire area.

Weiss (Applicant) said that is correct.

Zerafa said the building is still currently 3 apartments and you are looking to add another one.

Weiss said there are 3 on the second floor and they want to make 2 out of the 3 and make 2 on the first floor.

Zerafa said you want to take the 1 on the first floor and turn it into 2.

Weiss said yes. He mentioned that the square footage of the parking area is going to be 3, 242 and the house itself is approximately 4,570 square foot. Van Cott asked last month why they wanted to do 4 units instead of 3 units which they can do and wouldn't need a variance. The first floor right now half of the first floor is at a lower elevation. If they do make 4 apartments it would be the most convenient to have an ADA compliant apartment on the first floor if they have 2 apartments because the first floor is two different elevations. They plan to have one apartment on the higher elevation and one apartment on the lower elevation. If they only have one apartment it is not going to be ADA compliant because there is a drop in the middle and they would have to add ramps which is not very practical.

Gargiulo said the fourth apartment that you plan on adding would be on the ground floor and would be ADA accessible.

Weiss said that is correct.

Litts asked if the building department has any input.

Van Nostrand said that they are okay with the 4 units. There is something that the board should be aware about, this week there were two tenants who called the building department and they said that

Central Hudson had cut their electric. Giangrasso (Building inspector) called Central Hudson to get the power turned back on as one tenant is permanent and one tenant is moving out this weekend. He was told that Central Hudson would not turn the power back on due to the fact that the owner owed a large sum of money. The building department tried to contact the owner through various people that we had contacts for but no one was available.

Litts asked if he was the owner.

Weiss said he was. They were on holiday and he was only allowed to check his phone last night and when he turned his phone on he saw the message from the tenant that the power was off. It is on him since he bought it he forgot to put the bill in his name. He spoke with Central Hudson today and set up a new account to get the power back on. He said they told him that they don't do same day restorations, so it should be back on tomorrow.

Litts asked if the situation has been rectified.

Weiss said yes. He did tell the tenants that they will compensate them for whatever they lost.

Brown asked what is the square footage of the apartments.

Weiss said it was provided, but he can pull it up.

Gargiulo said he wants to see the layout of the parking for 6 cars.

Zerafa said right now there is a row of trees and a backyard, but they are proposing to get rid of the backyard and put in parking.

Weiss said it would be the front yard, but there are going to be two parking spaces on the side for ADA parking.

Zerafa said there is parking for 9 cars correct.

Weiss said yes. One apartment is 922, one is 975, one is 1,111, and the last one is 757.

\*No public comment\*

Litts asked Van Cott to run the board through the balancing test.

Balancing Test:

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

Litts said in this instance he feels that it would have very little impact.

Board agrees.

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

Litts said the applicant could choose not to do 4 units and just do 3. The applicant did make a good case in where making the first floor one apartment would not be feasible and what he is proposing is probably a better alternative than to have a single apartment on the ground floor.

Gargiulo said taking one apartment from the second floor and moving it to the first floor makes it more compliant.

3. Whether the request for relief is substantial?

Litts said the variance is insignificant.

Board agrees.

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

Litts said there will be no impacts.

Gargiulo asked how does he plan on removing the water from the parking area. He asked if there was gully in the back that takes the water to a creek.

Weiss said he doesn't believe so.

Litts said that the Planning Board would address that.

Van Cott said yes they would be looking at that as part of site plan review.

Board agrees no impacts.

5. Whether alleged difficulty is self-created?

Litts said yes it is.

**Minutes to approve:**

September 11, 2025

Litts asked for a motion to approve the minutes.

Motion made by Brown, 2<sup>nd</sup> by Zerafa.

3- ayes, 2-recused (Litts and Gargiulo because they were not at that meeting)