

ZONING BOARD OF APPEALS
TOWN OF LLOYD
MINUTES
Thursday, November 13, 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, Corey Miller, Mike Guerriero (Town Board); Board Staff: Anthony Giangrasso, Paul Van Cott and Sarah Van Nostrand.

Absent: Board Members: Shawn Zerafa and Jessica Van Houten.

New Business:

Swart, James: Area Variance: 11 Fieldstone Ct: SBL #95.2-7-14.170

Applicant is seeking an area variance to allow the outbuildings to remain in the front right side of the home.

Review Status: Application and supporting documents circulated to board.

Swart (Applicant) said he purchased the property about 2 months ago with two open violations one was for a fence and the other was for the outbuildings. He addressed the fence one, the outbuildings are that way are because of the way the house sits on the property. In order to move those outbuildings to the rear of the property it would require extensive excavation work in order to do that. You cannot see these buildings from the public road; they are approximately 280 feet or so from the road and are obscured by a small amount of wood line as well.

Litts asked if he removed them he wouldn't need to be here.

Swart said that he is currently using them for storage.

Litts asked if it was his storage or the previous owners storage.

Swart said it is his storage.

Litts said you moved in and you feel you need both for storage.

Swart said yes.

Gilmore said that he drove by the property and the view blocks the buildings, if you sit there and

stare for a while you can see them. The property is very steep and it appears that the house sits right at the rocks and that you don't have much of a backyard.

Swart said he believes that the backyard is about 15 feet.

Litts asked if he wants to keep both sheds and is not willing to give one up.

Swart said no.

Litts asked if an evergreen vegetative buffer could be planted.

Swart said they can try to do that, but the one shed if you go 5 feet off of it, it drops off sharply and any trees would have to be large to block the view.

Litts said they are looking up, so even a small shrub or something would block the view.

Swart said he could plant trees closer to the road.

Litts said that you might want to put something on the side of the shed near the neighbor. He would like to see a buffer to block the view of the road and the one neighbor who can see the shed. If that is possible he would be comfortable saying that he can do it because two sheds in the front yard is a pretty big ask.

Swart said he has no problem putting up some kind of hedge row.

Gargiulo asked when was the house build.

Swart said the house was built in 2017, he has no idea when the sheds were installed.

Gargiulo said so you don't have a CO for the sheds.

Swart said he doesn't have anything for the sheds.

Giangrasso said that he got a call from the BCI as they were questioning the amount of propane that this guy was buying and storing on his property. They asked if he knew anything about the propane tanks and he said no. He sent a complaint and had to go there to get him to get a permit to install 2, 1,000-gallon propane tanks. When he got there he had 9-foot-high fences, steel cages/gates all around the house and two sheds in the front yard. He did the complaints and told the owner at the time that he needed to get this straightened out. He decided to sell the house and comes to the building department on what he needs to do about the violations. He said that back in 2021 that the sheds cannot be there and that the fences were too high and he had no permits for anything. It went through a municipal search and then he spoke with the previous owner about what needed to be done. They spoke with the lawyers that they could let this go and put the complaint on the new owner and then they can take and deal with it now. Swart took down the 9-foot-high fences and then said that they couldn't give him a permit, but he could go to the Zoning Board once you have ownership of the house. He thinks the idea with the vegetation is a good idea.

Litts asked if he understood what the board was looking for.

Swart said that they want some kind of green fence along the road and one to block the view from the neighbors.

Litts said it doesn't need to be a fence. It could be some staggered evergreen trees, just something to break it up.

Swart said when he said green fence he was thinking trees or shrubs.

Litts said show it on the plan, the type of tree, the size of the tree, etc. If you can put a ribbon on the building, stand out on the public road and take a picture and then walk closer until you can see the ribbon. This way you can say this is what the public sees from the roadway you can see the ribbon, you cannot see the ribbon. Then you can say I will put a tree here and here and then the public won't see the shed at all.

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

Motion made by Gilmore, 2nd by Gargiulo.

All ayes, motion passed to set the public hearing.

Swart said he will come back with more pictures.

Litts said he doesn't think they will need topos from him as he feels the pictures already provided show how steep the terrain is.

New Public Hearings:

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:

Potential Action: Open public hearing.

Litts asked Van Cott if there was anything more that the applicant might need to provide.

Van Cott said that the board needs to be aware of is the 35-foot side yard setback. The variance request might need to be modified if you cannot stay out of the setback area. He explained the calculations for offset.

Kohler (Applicants agent) explained the maps and the calculations he used.

Discussion about the offset code took place.

Kohler said so you are saying that what I would be asking would be smaller.

Van Cott said yes and where the house is set now it is within the 35-foot setback zone and would comply with the code.

Kohler said it would be 39.1 on lot 1 and 24.4 for lot 3.

Discussion about the offset code took place.

Kohler said that he took the board's advice and rotated the buildings 90 degrees. One offset would be 9.5 on lot 1 and on lot 3 it would be 8.9. He has spoken with the clients about and they are happy enough with that concept.

Litts said that is what the board is looking to do is minimize the relief.

Litts asked for the last exhibit to be shown.

Litts said that with this scenario you wouldn't need a variance at all.

Kohler said correct.

Litts said you need to tell the board why you cannot do that as that will get you completely away from this board.

Kohler said there are multiple owners of the property most of them own parcels along S. Ohioville, most of them don't want to do the extra house they just want to get the land in the back and continue using it like they have been.

Litts said because you put this in you now have to explain why this isn't feasible. If you do this you won't need a variance which is the ultimate goal.

Kohler said it is financial issue and it is not what they do. The goal is to preserve those lots.

Litts said that you have to explain why this isn't feasible, why the owners don't want to do this.

Kohler said that most of the owners want to preserve the lots in the back as they used it for recreational purposes and most of them will still have the opportunity to do that. Even these new lots will have a way to the back. This is something that could be done their objective is not to over develop this lot. They are asking for three new building lots and then to put the remainder strips into the front lots, the front lots wouldn't be re-subdividable because of this, they cannot be reconfigured as the lot configuration won't allow it. In essence, it is a way to make long deep lots and that it won't be developed.

Litts said this was never on the table, so it needs to be removed.

Kohler said it was never proposed it was just an exhibit to show that there could have been houses behind the other houses. The flag lot codes allows flag lots to limit the number of new town roads and to preserve natural resources.

Litts said this was never on the table and you only want to put two houses in and that is why he is

asking for the variance.

Kohler said that is correct.

Discussion about lot 7 took place.

Gargiulo said that he rotated the houses, lower the variance needed, he doesn't think there is more the board can do.

Litts said that he would have to give the board updated maps with the new variance request on it.

Discussion about keeping the lots from being subdivided again in the future took place.

Litts asked for a motion to open the public hearing.

Motion made by Gilmore, 2nd by Brown.

All ayes, motion passed to open the public hearing.

No public comment

Van Cott went through the balancing test with the board.

1. Undesirable change in neighborhood character or to nearby properties?
2. Whether benefit can be achieved by other means feasible to applicant?

Litts said that there is an alternative that was brought to the board, but it is not feasible because all of the owners would have to agree upon it and they do not. He does not see a feasible means utilizing two flag lots.

Board agrees.

3. Whether the request for relief is substantial?

Litts said based on the new layout it is not substantial.

Gargiulo said that from the old to new the request has become smaller.

Litts said in his opinion they have reduced it as far as they can.

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

Litts said that he doesn't feel that it will, he feels that it is fairly minimal. They are allowed to have two flags.

5. Whether alleged difficulty is self-created?

Litts said yes.

Litts asked Van Cott to draft a resolution using the changes that the applicant is going to provide.

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: Close public hearing, approval resolution.

No public comment

Litts asked for a motion to close the public hearing.
Motion made by Gilmore, 2nd by Brown.
All ayes, motion passed to close the public hearing.

Litts read the resolution.

Litts asked for a motion to approve the resolution.
Motion made by Brown, 2nd by Miller.

Roll Call Vote:

Litts-aye

Gargiulo-aye

Brown-aye

Gilmore-aye

Miller-aye

Minutes to approve:

October 9, 2025

Litts asked for a motion to approve the minutes.
Motion made by Gargiulo, 2nd by Miller.
All ayes, motion passed to approve the minutes.