

ZONING BOARD OF APPEALS
TOWN OF LLOYD
MINUTES
Thursday, February 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, Jesscia Van Houten, Corey Miller (Alternate), Mike Guerriero (Town Board); Board Staff: Anthony Giangrasso and Sarah Van Nostrand

Absent: Board Members: Shawn Zerafa

Public Hearings

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: Updated application, survey and photos circulated to the board.
Potential Action: Open public hearing.

John said that the last time they were all here they agreed that 13 feet was not going to happen, he takes it that they amended the application to 8 feet. He thinks he gave them a little bad information, when he said that they could plan arborvitaes, that would also be considered a fence.

John asked for a motion to open the public hearing.
Motion made by Russ, 2nd by Paul.
All ayes, motion passed to open the public hearing.

John read a public comment letter that the board received. He said the letter that was written is basically saying that the 12-foot 4 X 4's are in violation which they are, the setback is in violation as well, the direction of the fence is in violation. To mitigate that, they take all of that down and put the right fence in the right location in the right direction. If the board does approve the 8-foot fence, they are going to have to put in as per code. The concerns that the neighbor has are all with the existing fence. The 12-foot 4 x 4's don't fly if they install the fence correctly, so they would have to be removed, so that would mitigate that issue. The setback of 6-inches from the property line, if they do put up a new fence they will be held to the standard, so that would be mitigated. The board has photos of the fence currently that is facing the wrong way, so if they do put up a new fence the aesthetic side of the fence would have to face the neighbors. If granting the variance at 8-feet, they would be held at those standards, which he feels would mitigate any concern of the neighbor. According to the letter the neighbor has a problem with it being too tall, too close to the property

line and facing the wrong way, so all of those factors would be mitigated even if they put in a 6-foot fence it needs to be up to code.

Steven (Applicant) said that the neighbor is almost on their property with their fence.

John said the neighbor is not in front of this board for a variance.

Steven said that the neighbor is pushing both the top and bottom over onto his property.

John said regardless of what the neighbor is doing, you have to abide by the law. If the neighbor want to appear before the board for a variance they can. He just wanted to let them know what the concerns of the neighbor were and what has to be followed to get a CO.

Myriam (applicant) said that is the reason they did what they did because the neighbor pushed their fence up to them.

Steven said he wants to keep the 4 X 4 posts because they keep pushing their way over.

Paul said the posts have to be on their side.

Steven said they want the posts in there to keep them off their property, it won't be part of the fence.

Anthony said when they had the problem with the fence the neighbor put up that was on their property and it was, the surveyor went out and marked out the property line and the neighbors moved the fence according to that.

John said regardless of their fence to this board it doesn't matter it's on their side.

Steven said are you telling me to go off of what they say the property line is.

John said he is saying that you need to maintain regardless of what they do off the property line, everything goes from the property line. As far as the 4 X 4's they cannot stay at 12-feet, he just wants to make that clear, the 4 X 4's cannot be a part of the fence, but whether they can stay or not would be a determination by the building department, they don't meet the requirement of the setback.

Steven said they gave the board pictures of the neighbors fence.

John said he is not arguing with them. The neighbor's fence does not matter to the board, they have to do everything from the property line, that is the setback.

Steven said they will be 6-inches off the property line.

John suggested that the board have their attorney draft a resolution approving an 8-foot-high fence for the next meeting. Due to the relationship that they have with the neighbor, he wants the attorney to draft the resolution, so it is 100% bullet proof.

Russ asked if he wanted to do a straw poll before the resolution is drafted.

John said they can, but he thinks for this that the attorney can draft the resolution and the board can do it then.

Continued 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 the last time he was before they asked for elevations, which he has done. Passed out copies to the board and explained it.

Paul asked is the building 35 feet.

Richard said the building is 31 foot long by 18 foot wide.

John asked if the property slopes down away from the house.

Richard said yes.

Corey asked what is the height of the building.

Richard said it is going to be 13-foot walls.

No public comment

John said previous discussions he felt comfortable with the 25-foot setback. How far off the driveway are you placing the building.

Richard said he was going to do 8 feet off the driveway.

John said if the board holds the 25-foot setback there will be about 18-inches of fill in the front of the building. The original quantity of fill was for a 35-foot setback.

Richard said he remeasured it, with moving it over about another 4.5 feet it could be doable with minimal cost. It wouldn't be 11.7 at that point it would be 11.7 plus 4.5, which is 15.7 off the property line.

John said that is a little too close. That zone requires 35, personally he is comfortable with 25 which is fairly standard for the town. The material cost would go down, moving it to 25 as opposed to 35. He asked what was the original quantity was it 108 cubic yards.

Richard said it was 104 cubic yards.

John said it is going to be way less than that. He asked the board if they were comfortable with the 25-foot setback.

Board agrees.

John said the board's job is to grant the least possible relief and he has some legitimate concerns.

Richard said is it possible to mitigate it a little further from the house, at 25 feet it is only going to be 26 feet from the house, if he had at least 30 feet from the house he would gain another parking space. If he goes to park in front of his garage now, he wouldn't be able to get into this garage another 5 foot would probably get him that.

Discussion about getting into the proposed garage took place.

John said that one of the criteria is, is it the least amount, he would have an issue with that if it was more. The board exhausted any other possible locations and he is okay with saying that there is no other place it can go.

John went through the balancing test with the board.

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

John said he doesn't feel that it would be, the topography of the ground that is there, it goes up, it would not be visible other than from the neighbor.

Board agrees.

Russ said that he visited the neighborhood and there are other free-standing garages.

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

John said that there alternatives, but due to the topography and aesthetics that it would not be feasible.

Board agrees.

3. Whether the request for relief is substantial?

John said the 10-foot variance is substantial, but in this case it's not as substantial.

Board agrees.

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

John said no, for reasons that the board has previously stated.

5. Whether alleged difficulty is self-created?

John said yes.

Board agrees.

John said given the criteria he would like to direct the attorney to draft a resolution affirming the 10-foot variance with a 25 setback from the property line.

Board agrees.

Administrative:

Minutes to approve:

January 9, 2025

John asked for a motion to approve the minutes.

Motion made by Russ, 2nd by Bill.

All ayes, motion passed to approve the minutes.