

**ZONING BOARD OF APPEALS**  
**TOWN OF LLOYD**  
**MINUTES**  
**Thursday, May 8, 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 (Alternate), Corey Miller (Alternate), Mike Guerriero (Town Board); Board Staff: Paul Van Cott, Anthony Giangrasso and Sarah Van Nostrand.

**New Business:**

**Epperson, Bruce: Appealing Building Department Determination**

Applicant is appealing determination made by Building Department Director regarding whether a pet crematory is considered a service business.

Review Status: Application and Planning Board minutes circulated to the board.

Paul V. said one of the roles of the Zoning Board of Appeals is to basically be the final say on interpretations of the zoning code. What ordinarily happens is when the building department receives an application they will make a determination to whether or not the proposed project complies with the zoning code. That means is it a use that is allowed in the district that it is proposed, does it require an area variance or a use variance. As part of that role the building department will sometimes need to interpret the code and look at the definitions of the code and decide if the proposed activity is a use that is allowed. What happens is if someone who is a person who is aggrieved or if the Planning Board either questions that interpretation that is made by the building department or wants clarification, then that is brought to the Zoning Board of Appeals and they make the final determination on how the code should be interpreted. That is what the board has in front of them, the process that occurs is, in the first instance the board has to decide if they have an appeal that the board can hear. There is 30 days that is allowed from when the building department's determination is made and an Appeal has to be brought within that time, if it is not that appeal cannot be considered by the Zoning Board of Appeals. The board also has to determine if it is an individual who is making the appeal, whether that person has any standing or if it is from a board weather the board has asked the question. That is really what the board is doing tonight. If the board decides that there is an appeal that can be heard, the next step would be to schedule a public hearing, so that the public has an opportunity to provide their perspective on the matter that is under consideration by the Zoning Board, so that the applicant for the project can weigh in, even the building department has the opportunity to perhaps explain in more detail the basis for their interpretation. That is the procedural context, their recommendation to the board tonight is they are not really talking about the substance of the interpretation what the board is talking about is, is there an appeal that is properly presented and if so for the board to go a head and schedule a public

hearing on it. What the board has just in the way of background is there is a project that was brought into the building department, the building department determined that it was a service business. It is the Heavenly Heart Pet Cremation project and that determination was made by the building department on April 2, 2025. The matter was scheduled to be heard by the Planning Board at the April 24<sup>th</sup> meeting in between those two dates an appeal was filed by an individual Mr. Epperson (Appellant) and he basically challenged that interpretation and provided reasons why he believes it is incorrect. On April 24<sup>th</sup> the Planning Board opened the hearing on the site plan review application and members of the public spoke. A number of the people who spoke raised concerns about whether or not this is a service business use. The Planning Board discussion decided that it would essential suspend the public hearing until such time as the ZBA clarifies whether the building departments interpretation is correct or not. There is good reason from the Planning Board to do that because if it is determined that the building department was wrong and that this in fact is not a service business use or should not be considered a service business use. Then the applicant before returning to the Planning Board would have to get a use variance from the Zoning Board of Appeals and the board has gone over the standards for a use variance. The Planning Board basically left the hearing open and what they did was they continued it to an undetermined date at this point that will depend upon when the ZBA has made a determination with respect to the appeal. That determination being is there an appeal that can be heard and if so where does the ZBA come out on that appeal in terms of whether or not the interpretation made was correct or not. Essentially the board has in front of them that decision from the Planning Board affirmed it is the packets, there is an email from the chairman of the Planning Board who basically is asked the ZBA to clarify or determine whether or not the building department was correct. The board also has Mr. Epperson's appeal asserting that the building department's interpretation was not correct. Basically, for tonight the first order of business is to determine whether either of those appeals can be heard. For Mr. Epperson appeal, he needs to show that he has standing both in this process and in the court process. Is he a person who has a legal right to bring the appeal of the interpretation to the Zoning Board of Appeals. In order to meet that New York Courts, the highest court in New York State has been clear that the individual who is making that appeal has to show that he has some injury that will occur to him, some legally effected right that is different than others in the community. In essence, you cannot come in and say on behalf of the community, this will impact the community and has the same concerns as everyone else in the community. Typically, people who are granted standing for an appeal are the neighbors of a project, so if you live next door to something and if that variance is granted somehow it will effect that neighbor, it will make it so they cannot see, they will lose their view or whatever the case may be. The person their individual rights would be effected by that determination. The same applies when it is an interpretation issue like what is in front of the board. This is established case law that provides for standing as an individual to challenge an administrative zoning determination. Having looked at Mr. Epperson's appeal, he owns property in the town that is approximately 2 miles away from the project site where this cremation business would be located and he was very clear in his papers that he was essentially voicing a community concern about the potential impacts of this project on the elementary school that is adjacent to the project site. Now the New York State Courts, New York State Court of Appeals has recognized that concerns like that are important and that should be heard, but the court also says that it would be problematic to allow anyone from anywhere in the community who isn't personally affected by that decision to bring an appeal anytime they want because it has the potential to delay decisions by boards, but it also has the potential to allow for the proliferation of litigation. Just because one individual or one group wants to take on these projects, so that is where the court came down on the side of a person bringing an appeal needs to have some affect on themselves as a result of that decision not just a general community concern. Their recommendation in respect to Mr. Epperson's

appeal, he doesn't appear to meet the test of having standing to bring an appeal for the building department's interpretation, so his recommendation to the board would be to reject the appeal. Having said that, this goes back to the court of appeals it is important for issues like this to be heard and for the public to have an opportunity to weigh in. Here you have this situation where the Planning Board has also asked for the same clarification, they want to know if the building department is correct before they move forward with review of the application, so you essentially have an appeal from the Planning Board as well. Both the zoning code and New York State Town Law allow for a board to ask for that clarification to basically confirm or reject the building department's determination here. Their second recommendation is for the board to accept the appeal from the Planning Board and to schedule the public hearing for the June meeting, that would allow the opportunity for the public to be fully heard on whether or not this should be considered a service business use and also in advance of that so that the board has a full record of that, he recommends to allow the public two weeks before the ZBA meeting to submit written comments, so that can be part of the record. Finally, as part of that Mr. Epperson's papers, obviously there was some work put into that in consideration of the issues involved that record his appeal be accepted as public comment that the board will consider as part of the full record before making a decision on the appeal. That is where they came out with the recommendation and for the board this will essentially require two separate votes that can be done just by motion. The first being to reject Mr. Epperson's appeal due to lack of standing to bring the appeal. Second one is to accept the Planning Board's appeal and to schedule it for a public hearing at the June meeting. As part of that just to close because he knows everyone wants to get into the merits of it, it would be at the June meeting after the board has had the benefit of everything that you have heard from the public and everything that building department or the applicant that the board would have the opportunity to talk about the merits of it, where it wants to go, either confirming the building department's interpretation or rejecting it or modifying it.

John asked the board if everyone was clear based on Paul's recommendations and his definition of the board's responsibilities.

Paul G. said it comes down to the code.

Bill said that the board has been down this road before with people wanting to change the code to suit their needs. Plus, the public is against this whole thing the board needs to take that into consideration.

John said the board is not there yet.

Bill said he understands that, but it is down the road.

Paul G. said the board should just go one step at a time.

John said from Paul's recommendation, Mr. Epperson he believes that he put a lot of effort into the paperwork.

John asked for a motion to reject the Epperson appeal for lack of standing as defined by Paul. Motion made by Russ, 2<sup>nd</sup> by Bill.

All ayes, motion passed to reject the Epperson appeal.

John asked for a motion to accept the appeal of the Planning Board for determination of whether this is a service business.

Motion made by Russ, 2<sup>nd</sup> by Paul G.

John asked if there was any discussion.

Russ said that he did a lot of research on industries and the definition of what is a service business. He went to New York State websites just looking for support that they would find in the courts. They pretty much say a service business is any business that provides a service for fee, but does not manufacture or sell an actual product, that is what the State of New York says it is and that is what the building department determined it to be.

John said the board does not have all of the information they need to make that determination. The board needs to hear from the public, hear from the building department and as Paul would say the board would need information from the applicant which will give some weight. For this process is just to accept the appeal from the Planning Board.

All ayes, motion passed to accept the Planning Board's appeal.

John asked for a motion to set a public hearing for June.

Motion made by Paul G., 2<sup>nd</sup> by Jessica.

All ayes, motion passed to set a public hearing for the June meeting.

John said it will be June before the board will take public comment. Like Paul V. said two weeks before the hearing if the board can have them in writing, it will give them time to look at them and it just speeds the process.

Paul V. said Mr. Epperson's submission is already part of the record for purposes of public comment.

John asked does that automatically fall into this or can the board just roll it over, does he have to resubmit.

Paul V. said he thinks the board can consider it as public comment for purposes of the appeal.

John said he doesn't have to resubmit, but he is welcome to add to it.

Mr. Epperson said that they are going to article 78 it.

### **Christiana, Joseph & Belinda: Area Variance: 9 Elbow Ln: SBL# 80.3-2-27.114**

Applicant is seeking an area variance for a shed to be located in the front yard.

Review Status: Application circulated to the board.

John said that the board needs a better sketch.

Belinda (Applicant) said that the shed proposal is in the side-front and the reason why is because they are on the river and there is a cliff and there is no way to get to the back.

John pointed to the sketch and asked is this the driveway.

Joseph (Applicant) said that it is a circular driveway.

John asked where is the road.

Joseph said that their driveway is 300 feet.

John asked if the location depicted on the sketch was the proposed shed location.

Joseph said that is correct.

John said that the board is going to need more information. They are going to need from the house how far a head it is, how far off to the side, what your topo is to see if it can be slid back some to make it more compliant.

Belinda said the septic is there.

John said that is the other thing that the board is going to need where is the septic, where are the lines, where is the reserve. The board has to exhaust every effort to make this compliant. The board is going to need a better sketch.

Paul G. asked where are you guys again.

Joseph said they are on Elbow Lane they back up to the river.

Belinda said it is a brand-new house.

Joseph said they just moved into the house in November.

Paul G. said your front yard faces Elbow Lane.

Belinda said yes.

Joseph pointed out where everything was on an aerial map and explained why the sheds couldn't be placed in any other location.

Belinda said that she took pictures of the land.

John said that the board is going to need see topo maps.

Joseph said they will get drone footage.

John said looking at the aerial view it is hard to tell how steep of a slope it is, so the board will need to know that. The board also needs to know how far in front of the house the sheds are going to be

in the proposed location.

Russ asked if this is off of Cross Creek Rd.

John said yes he believes so.

Belinda said yes it is.

John asked the board if there was anything else that was needed.

Shawn said they would need to know the size of the shed.

Belinda said that the shed is already built and it matches the house.

John said that it aesthetically matches the house, every other set back you are going to make, the side yard, its just that it is in the front yard.

Jessica asked if along the driveway there were trees.

Joseph said it is clear.

John said from past cases the board has put stipulations that there would have to be an aesthetic barrier it perpetuity.

John asked for a motion to set a public hearing for June to speed things along. If the board doesn't have all the information they can push the public hearing out.

Motion made by Russ, 2<sup>nd</sup> by Bill.

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

Belinda said even the building inspector knows there is no other place for the shed as she has already spoken to her.

### **Colgan, Christiana & Thomas: Area Variance: 8 Sara Ln: SBL #95.2-3-15.131**

Applicant is seeking an area variance for a shed to be located in side yard (front yard).

Review Status: Application circulated to the board.

Thomas (applicant) said that on the right side of the yard they take on about 1,700-foot of drainage water from Sara Ln to Perkinsville. There is an easement that runs through his property for drainage.

John said there is actually an easement.

Thomas said yes. The higher elevation in the back of the house is his septic pad. To the left of that is his reserve. That area takes a lot of water from his neighbor's yard and driveway so it makes that area very wet. The only part of his yard that stays consistently dry is down along the area where that

shed is, it is approximately 100 feet wide.

Paul G. said what would be helpful is to take the topo marks and bring them around the garage.

Thomas said you have 12-foot difference in height as it drops off there. When he built that garage he brought in 500 yards of fill to level it off to build that garage. He moved the shed that was by his garden because it was so wet, and now both sheds are a long side of the garage. His father is selling his house and he is going to take some of the stuff, so he was planning to take one of his sheds and put it there and put the two together, and paint and clean them up and he plans on planting trees.

John said a front yard shed is a hard ask.

Thomas said it is not the front yard it is the side yard.

John gave the definition of front yard. He asked where the septic system is and then asked about another area if the shed could be there.

Thomas said that area gets very wet because he takes all the water off his neighbor's septic field, drainage from their house, everything comes out in there, plus the drainage from the driveway. The side yard is the driest spot to do anything.

John asked if you were to bring in material and fill the area in the back in which would push the water further back.

Christiana (Applicant) asked if he wanted to talk to their neighbor because they angled their driveway towards them.

John said these are questions that you have to answer. The board needs to grant the least relief. The one before the board now is huge and going to be tough to get. If it was moved back a little it would be better, but he sees that they have easement there.

Christiana said there is an easement and they would need to get DEC approval because it is wet there.

Thomas said a lot of that is because that easement isn't maintained.

Paul G. said you have to show the board why it cannot go where it is supposed to go.

John said that the board is not going to require you to have another survey done. If you know the elevations roughly just extend the topo lines out. Take pictures of this, it doesn't have to be perfect, the board needs to know what the elevation change is from the garage, you mentioned that the elevation change is about 12-feet.

Christiana said yes.

John asked about how far off the garage is that drop off.

Thomas said he has about 30 feet off the side of the garage before it tapers off.

John asked it is about a 1 on 3 slope from the edge of the garage or is it flat.

Thomas said it is flat as it is a pad and then drops off.

John asked how much of a pad is there.

Thomas said it is about 30 feet. The sheds are already there and he has to place another one there. He wanted to move them as he wants to do other things, but if that is the route he has to go then he will go that route.

John said the board needs to know where the drop off is, so they can determine if it is feasible to add more fill to make the pad larger to give more room for the shed or is that completely out of the question and it has to go someplace else. Also, the board would like to know why the shed cannot be placed in the back where the one used to be.

Thomas said it gets too wet.

John said give the board a couple of topos and if you can do a flow map, showing that it is lower than my neighbor, show that the water flows in this direction. It looks like it drops down because the septic system is higher.

Thomas said there is a bowl right there.

John said show the board that and take some pictures and show the board that as well, why you couldn't fill this in to put the shed in over there.

Thomas said if he has to fill that it is the reserve for his septic.

John said note that it is your reserve area for septic. Flow from the neighbor this way. The board's job is to grant the least amount of resistance. If there is a feasible alternative they have to go that way.

John asked for a motion to set a public hearing for June.

Motion made by Bill, 2<sup>nd</sup> by Shawn.

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

### **White Jewels Holdings LLC: Area Variance: 25 Phillips Ave: SBL #88.69-1-22**

Applicant is seeking an area variance to allow 4 units on a 0.51-acre parcel located in the R-1/4 Zoning District.

Review Status: Application circulated to the board.

Willis (Applicant) said around the corner at 25 Phillips there is a building that is empty and has been decaying. He recently purchased that property, after the demolition of the inside the building department came and did a demo inspection and found that there were more changes that needed to

be done on the second floor, to the foundation, to the back. To make all those changes the budget of the renovation increased between 50-70% and there is no way to complete that with 3 units. He provided a breakdown of the rents he expects to get and with 3 units the closest he could come to was a \$1,000 loss on the project, which no one is going to finance that. He was seeking to get 4 units without changing the footprint, the building will pretty much look the same, it might be a little higher because the building department is asking him to put in rafters.

Paul G. asked is there enough parking for 6 cars.

Willis said yes there is a large parking lot. The parking is already there it comes in off Phillips; it comes in as one and then widens out.

John said this is already a 3 unit.

Willis said it is already non-conforming.

John said you have done extensive renovation.

Willis said he has done demolition; he wasn't able to do any renovation yet.

John said it has been dormant for some time.

Anthony said Willis bought the property and he decided to have a renovator come in and do the work, going to clean it up and do whatever to it. He said that the building has been run down for years the owner who used to own the building went into a nursing home and the tenants just let it go, there were roof leaks and it degraded rapidly until Willis bought it. He highly suggested to his contractor that there was going to be work here, so let's pull it apart and see what you have. Once they pulled it apart it was a complete structural disaster, rafters were cut, nothing was supported, termites got into the back ¼ of the building devastated the back of the building. There really was no foundation in the back of the building. He told the owner that they could rebuild it like for like or you can demo it and try to rebuild. His contractor went back and said that he either needs to start over new because there is no foundation and the way the lay of the land is, is just a poor situation. The way the house is laid out now, when you walk in it looks like a 4 family. The right side of the house is a walkthrough storage which goes all the way to the back of the house. There is a set of stairs that leads to two apartments which are non-code compliant, pre-existing non-conforming the ceilings are really low, the steps, there are different heights for the floors. It is not something that is easily repaired. If you go to the left-hand side you have another apartment downstairs, not code compliant, the termites ate most of the structural part of it. Go up a set of stairs and you are in another area that is not compliant as the ceiling heights are not right. Willis came in and said he can rebuild it; the building department doesn't have a problem with the floor layout because of what that building is and what it has been in that neighborhood.

John said he doesn't think the board would have an issue with it. The issue would be he doesn't believe that the ask is proper. As soon as you do extensive renovation, you lose the pre-existing non-conforming.

Anthony said there was no renovation work done.

John said you are telling the board that the building is in disarray, so they have to rebuild.

Anthony said they have to; something has to be done with it.

John said as soon as they do that, that trips a threshold that now you have to make it compliant, it no longer is non-conforming, it has to be made to conform which is 2 units for density. What he would be asking for is not one unit, but two units.

Anthony said he can go back with the three and remodel what is there piece by piece if he wanted to because it is a legal non-conforming now.

John asked what he is using as a threshold to say that.

Anthony said that building has been like that for 30-40 years that building with the 3 apartments. Ever since he has been working with the town and prior to him they have been doing fire safety inspections on it, so it has been there.

Russ said to be clear it is three units right now.

Willis said that is correct.

John asked if the units are or have been occupied recently.

Willis said no, definitely not since he has owned it.

John asked how long he has owned the property.

Willis said he bought it in January, so not very long.

John said the repairs that would need to be done would be purely structural in nature, it would be structurally necessary.

Anthony said absolutely.

John said you wouldn't necessarily be changing for aesthetics or for other purpose, it would purely be structural.

Anthony said it would be structural, but it would also have to be code compliant.

John said you are absolutely right; the roof would have to be raised to be code compliant, it would have to be code compliant to make it structurally sound that is the modification he would have to do now.

Anthony said that whole building would be rebuilt, it would be similar to 70 New Paltz Rd., they came in and literally rebuilt the foundation completely there was nothing worth saving and they built it wall by wall under a building permit, but they rebuilt that building that should have been torn down.

John said that is where he is trying to go with this. He would remain pre-existing non-conforming.

Anthony said yes.

Paul G. said he wants to make the non-conforming twice as bad as it was. It was supposed to be 2 units; it has 3 and now he wants to make it 4, which doubles the impact.

John said right, but he would still only be asking for 1 additional unit.

Paul G. said that he is adding another unit which expands the non-conforming use.

John said two or more expansions that do not exceed 50% of the gross floor area. He is not necessarily increasing any floor area, just reconfiguring. You mention when you go in to right it is empty area and go up, so he is assuming that is where the change will be.

Willis said to keep the same footprint he will be making that living space.

John said he technically wouldn't be expanding as the footprint of the building is not changing.

Paul G. said the use is.

John said the density is changing. That would be the only question that they would consider is the density.

Paul V. said right.

John asked for a motion to set a public hearing for June.  
Motion made by Paul G., 2<sup>nd</sup> by Russ.  
All ayes, motion passed to set the public hearing for June.

Willis asked is there any additional he should provide.

John said that the board would like to see more information on how he came up with his numbers for the rent that he submitted.

Willis said like comparable.

John said yes, real estate listings that have comparable square footage, same neighborhood. Just so the board has a better idea of where the numbers came from. Typically, the financials are for a use variance, but in this case because of the density, he believes that the financials are pertinent.

Paul V. said it is part of the applicants articulation of why there is no alternative that doesn't require a variance that is feasible. The applicant is basically saying that it wouldn't be cost effective to undertake the renovations without this additional unit.

Willis said it would cost prohibitive without out the 4<sup>th</sup> unit.

Paul V. said one of the key criteria for an area variance is whether there are any other alternatives

that would meet the applicant's objective. The applicant's objective is to have a renovation that pays for itself and that is not going to cost you more money or maybe not even get a loan for it. Those things are relevant; without this variance the applicant will be unable to move forward with this project.

Willis said should he just update what he gave the board or do they want a different format.

John said whatever format you choose as long as it is easily followed.

Willis asked is the one he submitted easily followed.

John said it is, but they need some back up information, the board just wants to make sure that he is not just picking those numbers out of the air. Just give the board something that says a 3 bedroom is comparable to this price point.

Paul V. said that the board brought up parking, do they want a general site plan that shows how the property is laid out.

John said coverage would be good as it doesn't change the footprint. The board would like a plot plan with the parking.

### **Public Hearings**

#### **Vineyard Ave Associates LLC: Area Variance: 88-94 Vineyard Ave: SBL #88.69-8-1**

Applicant is seeking an area variance for mixed use first floor of an existing building.

Review Status: Public hearing opened on April 10, 2025

Potential Action: Close public hearing, approval resolution

\*No public comment\*

John asked for a motion to close the public hearing.

Motion made by Paul G., 2<sup>nd</sup> by Russ.

All ayes, motion passed to close the public hearing.

John read the resolution.

John asked for a motion to approve the resolution.

Motion made by Russ, 2<sup>nd</sup> by Paul G.

Roll Call Vote:

John-aye

Paul-aye

Bill-aye

Russ-aye

Shawn-aye

All ayes, motion passed to approve the resolution.

**Friedberg, Larry: Area Variance: 129 Costa Rd: SBL #87.3-5-28.300**

Applicant is seeking an area variance for minimum acreage to build an accessory structure with an apartment.

Review Status: Public hearing opened April 10, 2025

Potential Action: Close public hearing, approval resolution

John said he believes he asked them for a landscape map for a layout of trees.

Larry (Applicant) said that he had a drawing to show that previously.

John said he believes that the board asked for types of trees, spacing.

Dorcas (Applicant) said right now the trees that are there are the natural trees.

John said what the board is looking to is to have a guide of this type of tree in this location. If 6 of the trees die, in perpetuity you have to replace it with the same kind of tree. If a pine tree dies you cannot replace it with a scrub oak.

Larry said that their understanding is that they would place it on the filing drawing.

John said in order to get the variance the board needs to put it on the variance.

Larry said he has to write it up.

John said he needs to get it to the board. It needs to be in plan form, so the building department has something to rely on.

Dorcas said they have a stone wall and that is where the property ends. The trees are on the other property.

Larry said some are and some are not on their property.

John said he believes this was discussed last month, what needs to be done is to provide the board with what is on their property and be able to maintain that. You cannot say to your neighbor you have to maintain it for an accessory on your property. You will have to give the board what is on your property and if the board feels it is not enough and you need to add it. If the trees are sparse between the property line and the accessory building add trees, shrubs something for an aesthetic barrier. You cannot depend on your neighbor for that barrier.

Dorcas said that then ruins their view of the stone wall, the authenticity of the house because the only way the trees can be there is between the stone wall and the house. It is not wide enough to put trees there as it is only 10 feet wide.

Site plan was shown.

John said if your neighbor clears all the trees, they shouldn't have to look at the building.

Larry asked should he have to look at their property.

John said do they have anything on their property.

Larry said there is nothing there yet.

John said they don't need a variance for an open field; you need the variance for the accessory building. It is on you to protect your neighbor's view.

Larry said the neighbor is trying to subdivide their property.

Paul G. said it is in the Ag Zone, so you have to have a buffer zone and you have no buffer between you and your neighbor on your property.

Dorcas said they don't have space. They have no problem doing what the board asks of them, but the beauty of seeing the wall going all the way back. On that other side of the stone wall is his property.

John said he understands, but the board is asking for a buffer in the back near the accessory building to be installed.

Dorcas asked so you just want trees on the one side because there are already trees in the back.

John said if the trees are on your property note them. The board wants some trees on both sides of the structure.

Dorcas said on the one side it's all field for the golf course and are looking to purchase the property from her brother, she doesn't want to put anything in on that side because it is their view of Mohonk.

Paul G. said you could sell it to any individual or yourself and they could build a house right there.

Dorcas said that they have an agreement with her brother.

John said for the board's purposes place something on both sides and the side in question make a note that if you do purchase the property that the buffer won't be necessary.

Dorcas said they built their house so they had a view of Mohonk. The buffer would ruin their property.

Paul G. said talk to the neighbor and buy the property; the board cannot tell the neighbor what to do to protect their property.

Jessica asked are you just asking them for just a site and not to plant the trees.

John said they would have to plant the trees, unless they can prove they brought the property next door and that they control it. It is something the board has done in the past for granting a variance. He asked what trees are located on the property now.

Larry said it is mostly shrubs and a few pines.

John asked is that a fairly good view shed so you cannot see through it.

Larry said that is correct.

John said he would say use that as your template for the other side.

Larry said you want a buffer on the west side.

John said if you don't want a bigger buffer on the side, do a couple of shrubs in there because right now it doesn't look like there is anything there.

Dorcas said they have a field that they are planting, the view you have the waving grass, they are planting wildflowers there.

John asked if they were doing it on their property or on someone else's property.

Dorcas said they are doing it on their property.

John said add some kind of landscape detail to break this up, bushes, shrubs, some kind of landscape feature to break that up. It does not necessarily have to be the pine trees.

Larry asked is the board looking for the caliper, type of tree.

John said yes.

Dorcas said they have to plant those trees.

John said you have to plant something. If that is what is there now and it is a good viewshed, it is a good break from the neighbor, he recommends that you put similar trees in that area as well. It works now, if they clear it, it will work then.

Larry asked if they have to wait another month.

John said they wouldn't be able to give a variance without that information.

Dorcas said that what the board is asking them to do will ruin their viewshed and it may not be worth doing the project.

John asked are you buying the property next door.

Dorcas said that her brother has given them 1<sup>st</sup> rights to purchase the property. They have own this

property for 25 years.

John said if you do that, this all becomes moot. Just put something there shrubs, trellis, just put something up on that side.

Larry asked you need the caliper, type and where it is.

John said it doesn't have to be precise, but it does have to show the tree, the size and it will need to be maintained in perpetuity.

Larry asked if photographs were acceptable for the existing.

John said photographs other than what is on your property now really are not going to help. It's what needs to be on your property.

Larry asked when you shrubbery what size are you talking.

John said he thinks that the board would be okay with something smaller, just to break it up.

**Minutes to approve:**

April 10, 2025

John asked for a motion to approve the minutes.

Motion made by Bill, 2<sup>nd</sup> by Russ.

All ayes, motion passed to approve the minutes.