

ZONING BOARD OF APPEALS
TOWN OF LLOYD
MINUTES
Thursday, June 12, 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: Anthony Giangrasso, TJ Ruane and Sarah Van Nostrand

New Business:

Ludewig, Lisa & David: Area Variance: 25 Dirks Ter.: SBL #87.10-3-5

Applicant is seeking an area variance for 0.04 acres relief for minimum acreage required for an accessory apartment in the R-1/2 Zone.

Review Status: Application circulated to board.

David (applicant) said that last year they started the addition on their house for their daughter and son-in-law and had a permit. Everything was going as plan until towards the end it was mentioned that there was nothing about a kitchen in the plans.

John said a secondary kitchen for an apartment.

David said yes. He doesn't know what happened there as he is not the architect or contractor. That is why they are here as it should have been on the plans.

John said during that approval process the town was not aware.

David said they never said anything to them about it, they came and inspected and they had a building permit. You need a kitchen for an apartment.

John said that is what makes it an apartment by code is that it needs certain amenities. It has a kitchen now.

David said yes.

John said that he would like to see a layout sketch of the proposed apartment.

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

Motion made by Russ, 2nd by Bill.

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

Public Hearings:

Appeal

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

Review Status: Public comments circulated to board. Public hearing scheduled for 6/12/25

Potential Action: Open public hearing.

John said we will now have a public hearing on an appeal related to the proposed Heavenly Heart Pet Cremation project. Before opening the hearing, I will make some remarks, so that everyone here for this understands what we have been asked to decide, what will happen tonight and what will happen after tonight. First, the only thing we have been asked to decide is whether the proposed Heavenly Heart Pet Cremation project is considered a service business use under the definitions in the Town of Lloyd Zoning Code. That is all we are deciding, just whether the proposed project fits under that definition. Under the zoning code, service business is defined as follows: “A business or nonprofit organization that provides services to the public, either on or off the premises. Service business does not include retail business, restaurants, warehouses, offices or other uses separately listed in the use table.” Again, that is the only question that this board must answer. We are not reviewing or approving the Heavenly Heart project, or its impacts. We do not approve or disapprove the project. We just decide whether it is a service business. The reason I am stressing this is because, when we open the public hearing, I respectfully ask that all of you who want to speak focus your comments on why the Heavenly Heart project is or is not a service business. This appeal came to us after the applicant for the Heavenly Heart Cremation project submitted an application to the Town of Lloyd Planning Board. That is a different board than this one. It is the Planning Board that is authorized to review and approve or disapprove projects under the Town’s Zoning Code. When the application was submitted, the job of Dave Barton in the Town of Lloyd Building Department was to say whether or not the proposed project was a business that provides services to the public, either on or off the premises. Dave Barton thought that the project fit the definition of service business, so the Planning Board began its review of the project. When during that review the public questioned whether the project is a service business, the Planning Board put its review on hold and asked this board to decide whether or not the proposed project is a service business. My point in saying all of this is to help you understand how the process works and how this appeal came to this board. Everyone in the town has done their job and the public is being heard tonight on the single and limited question of whether the Heavenly Heart Pet Cremation project is a service business. Okay, are we all on the same page with what we are talking about tonight? If this board ultimately decides that the Heavenly Heart Pet Cremation project is a service business, the project will go back to the Planning Board and that board will review it and decide whether or not it should be approved. If this board decides that the project is not a service business, the applicant may need to seek what is called a use variance from this board before the Planning Board would resume its review. Okay, so now let’s talk about what will happen tonight. When I finish speaking this board will open the public hearing and anyone who wants to can come up to speak. We ask that you state your name and where you live for the record. Please speak clearly into the microphone as

the meeting is being recorded. We ask that you limit your comments to no more than 3 minutes. We will ask you to wrap up if you are getting close to running over that time. If someone before you has made the same comment as you, we ask you to consider limiting your comments if that is possible, but that is up to you. We ask that everyone be respectful of each other's comments and to remember the only question we are trying to answer: is the Heavenly Heart Pet Cremation project a service business or not. The board will listen to every comment made and no decision will be made tonight. The board will not even have any discussion because we want to make sure we have reviewed everything before we do. We will not be responding to questions, as that is not the purpose of this hearing. The only purpose of this hearing is to hear what you have to say and we want to give everyone the chance to be heard. When everyone who wants to speak has had their chance we will leave the public hearing open until our July 10, 2025, meeting and move on to the other matters on tonight's agenda. Finally, here is what will happen after tonight. We will continue to accept any written public comment until June 26th, two weeks from today, so that this board has ample time to review everything that has been submitted in writing on this appeal. We have asked our attorney to consider all of the comments that have been received and to prepare a recommendation for the board's consideration at its July 10th meeting. That recommendation will be posted on the Town's website in advance of the meeting. On July 10th this board will provide another opportunity for public comment. After we are satisfied that the public has been heard, we will close the public hearing and then this board will discuss everything and make a decision on the appeal. That may or may not happen at the July 10th meeting. So that is how this will play out.

John asked for a motion to open the public hearing.

Motion made by Paul, 2nd by Russ.

All aye, motion passed to open the public hearing.

Lacy (3 Tillson Ave) said that she has been researching. She would like to respectfully ask the board to deny the appeal that this is a service business. This is not the meaning of a service business. The destruction of dead animals into ash is a process that is indistinguishable in terms of equipment, function, emissions, regulations from human cremation. The DEC, EPA and scientific studies make no meaningful distinction between human and pet cremation. This is an industrial process in classification by the DEC on their air permits as "Standard industrial classification code 7261." She has gone through ever pet crematory in New York State and crossed references to their air facility permits to see which ones cremate on site and not a single municipality has classified this as a service business. They are all either special permits, manufacturing, industrial, etc. The municipalities did have service business in their code, but they saw it as a distinction. In Catskill there was a pet crematory that applied to their Planning Board and it needed a special use permit. One of the things in the minutes is that it doesn't fit neatly into any of their categories. She feels that everyone needs to think about that, this heavy incinerator business that is regulated not only by the DEC, but also by the EPA is your standard service business that were envisioned by the people who wrote the zoning laws. The zoning laws protect the people from incompatible uses within the town. The other thing is that the town does not allow the importation of dead animals into it, so it defines refuse as dead animals. They go on to define solid waste as being refuse, therefore dead animals are solid waste. It is prohibited in the town to bring in solid waste from outside the town into the town, unless you have special permission. There are so many things that don't fit neatly under the zoning code, it is hard to pick one as to why it is not. In David Barton's explanation on why it is a service business, he lists that there would be a small retail section. The definition of service business in the town code, explicitly excludes retail. In the letter that the applicant's attorney wrote states that it is not about retail, this business is incineration.

Meghan (10 Woodside) said that this makes no sense to her as cremation is not allowed in the town for humans, why are we trying to cremate animals if you cannot cremate humans. In the town code definitions, you are not allowed to have on-site cremations in the funeral homes. Funeral homes in the town do not cremate on-site they send the remains out. Why would the town allow pet's to be cremated if humans are not allowed. A service business is something that provides services, an incinerator is not a service business, it is serving veterinary offices, humane society, etc. People are not going there to take their animal. An incinerator is not a service it is a facility that is burning things. You are not allowed to bring dead animals into the town for a commercial operation. Dead animals are refuse, refuse is solid waste and it cannot be transported into the town. Is this crematory only going to be cremating animals in the Town of Lloyd because that doesn't seem like it would be a feasible business structure. The only way to make money is by burning animals in bulk.

Joan (5 Greatview Ln) said the subject of this public hearing is the determination of the building department that a crematory is a service building that is permitted in the GB zone. Section 100-12 of the code defines allowable uses permitted in the GB zone. Allowable uses in each zone are set forth in the use table at the end of the chapter. The uses not listed are prohibited, so if its not in the use table it is not allowed. A service business is permitted in the GB zone, when you read the definition of service business "A business or nonprofit organization that provides services to the public, either on or off the premises. "Service business" does not include retail business, restaurants, warehouses, offices, or other uses separately listed in the Use Table." If you look at the prohibited uses one is light industry which is defined as "Manufacture, assembly, treatment, processing, or packaging of products that does not emit objectionable levels of smoke, noise, dust, odor, glare, or vibration beyond the property boundaries." The applicant insists that his operation is not going to do any of those things, but he is processing. A crematory is considered light industry, raw materials are delivered to the facility, the facility processes them and then sold, it is a light industry. Another use that is not permitted in the GB zone is a funeral home. A funeral home is defined as "A building used to prepare deceased human beings for burial or cremation and in which wakes and funerals may be held. Secondary uses may include the display of the deceased, consummation of rituals connected therewith before burial or cremation, the storage of funeral vehicles and funeral supplies necessary for the preparation of the dead for burial or cremation, and for the sale of caskets, urns, and other funeral supplies. The definition of "funeral home" does not allow cremation on site." Cremation on site is not listed as a permitted use, since it is not allowable its not permitted and the Zoning Board's interpretation should be that cremation is not allowed in the GB zone.

Kimberly (19 Dogwood Knoll) mentioned about the possible effects of a crematory. According to the current zoning codes 100-8 terms defined it states under funeral home, "The definition of "funeral home" does not allow cremation on site." If a funeral home in the town aren't allowed to preform cremations, how and why are we talking about building an entire building especially in close proximity to the school. Zoning laws are in place to protect the character of the neighborhood, the wellbeing of the residents, she respectfully urges the board to deny the application.

Bruce (314 Bellevue Rd) said that they are faced with a contradiction as a service business is defined as a business that produces services to the public not otherwise defined. A principal use is defined as a specifically defined use. A service business must be a specifically defined use that is not specifically defined. We are here tonight to figure out who is the one to solve this. Dave Barton feels it is his job to make that decision, we on the other hand feel that unless he can find a clear unambiguous mandate in the town code to allow a pet crematory. His duty is to give an application

for a use variance to the applicant. If he is correct it would be solved by a group of town citizens after reading evidence and hearing testimony, following clear criteria and procedures and issuing written findings. In this situation it will be the Zoning Board of Appeals.

Cathy (146 New Paltz Rd) said that she is here to speak strongly against the proposal of a pet crematory right next to the school. Zoning is meant to be restrictive and define rules and should be very strictly interpreted. To put a crematory next to the school and town fields is not just bad planning it is an active disregard to the town. Smart development means growth that reflects the character and priorities of the community. The comprehensive plan calls for protecting the integrity of the neighborhood, prioritizing walkability, buffering schools from incompatible uses. This proposal does the opposite; it turns the town center into a drive thru for private industry instead of built on shared prosperity. A facility that brings no significant jobs, no meaningful services to the town and no alignment with the long-term vision.

William (7 Tina Dr) spoke about emissions.

Craig (20 Dogwood Knoll) said that when dealing with ambiguity and is up to interpretation. When it is interpreted it has to be done in a rational manner. He believes that rationality has to be based on what the board meant when they wrote the code. Being totally unable to predict that a crematory might be proposed, explains why it might be absent, so they have to look at that with rationality. He looks at the board's intention in 100-5 this chapter is enacted to promote and protect the public health, safety, convenience, aesthetics, natural, agricultural, and cultural resources, amenities and general welfare of the people. It is intended to implement the Town's planning goals and objectives as expressed in the Town of Lloyd Comprehensive Plan. He thinks that the interpretation that this could be a service-based proposal is not rational because it fails to take into account and to promote the public health.

Eric (11 Smith) said to the board to please do the right thing for the town and kids.

Alan (School Board) said that a service business needs to be defined for the board to make a good decision. A letter from the school board was submitted. Their concern is that they are adjacent to the proposed site is emissions.

Mike (School Board) mentioned that odors are problematic and explained the reporting and mitigation process.

Matthew (10 Woodside) read a response from Dave Barton regarding the pet crematory project. He checked out the zoning code and as far as dead animals goes they are considered solid waste. If the facility was burning solid waste would it be allowed. If you look up cremation in the code it is strictly not allowed in the town.

Jordan (119 Gregory Ct) said that he was aggrieved twice by this board in the past. He thought that it was going to be approved twice and then it wasn't. At that time Dave Barton strongly suggested that the board approve the subdivision, so this wouldn't be the first time that the board goes against Dave Barton.

Kim (6 Woodside Pl) said that she would like to pass her time to Lacy.

Lacy went over her research on what other municipalities classify a crematory as. She said that she was looking at the General Business Zone on the zoning map thinking about funeral homes that are not allowed to cremate. What about a standalone human crematorium, if a crematorium is a service business, what is there to stop one of the older folk homes from installing their own crematorium absolutely nothing. The community has come together in objection to the crematorium being considered a service business. She is shocked that this is even considered a service business as it is such a unique business, this business is only a business because of the incinerator. Without the incinerator there is no business.

Simon (21 Mile Hill Rd) said a service business is a business that provides a service to the public. The proposed pet crematory provides services to veterinary offices, to animal shelters this is not the public these are other businesses. He mentioned emissions.

Riley (lives on Trisha Blvd) said that if there is an incinerator next to the school, she would not send her future children there. She said that this would be a deterrent to her and to other families who might be considering this area, she strongly feels that they would choose another school district. This might also create a talent drain in the school district by losing talented teachers and promising students, she also feels that this would not have a positive effect on the athletic department. She mentioned air quality issues.

Louis (5 Roberto Ave) said this crematory has made him and wife reconsider living in this town if it is approved. He mentioned the possible effects of this business.

John said that they will keep the public hearing open until next month. Those of you who said you had additional paperwork please submit it and the board will take it into consideration.

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 side yard (front yard).

Review Status: Public hearing scheduled for 6/12/25

Potential Action: Open public hearing.

John said that he believes that the last time they were here that the board asked for some items.

Pictures of the site were shown and explained.

John said that the board asked for topos and it is provided.

Belinda (applicant) said that they cannot put it in the back because of the septic.

Joseph (Applicant) said that the septic is not where it is shown on the map and it runs parallel to the driveway.

Paul said if you moved it back you would be on top of your septic.

Belinda said that is correct.

John said that the board is going to need to know where the septic actually is.

Joesph asked how do they do that.

John said the reason the shed cannot be placed on the other side of the house is because it slopes away.

Joesph said that is correct.

John said you are saying that the septic is right off the edge of the asphalt.

Joesph said that is correct.

John said that he doesn't see a feasible alternative to the front yard. He asked what do you have buffer or vegetation wise between the proposed shed and the viewshed from the road.

Joesph said it is grass and trees.

Russ asked if the proposed shed would be visible from the road.

Joesph said no because there are trees lining that side.

John said that the board will need to see a landscape plan for the viewshed from the road. There needs to be some kind of visual buffer.

Belinda said that the shed matches the house.

John said if you show us a landscape plan of what is existing they will take a look. If you feel that looking from the roadway and feel that it would be beneficial to add a bush to block that view.

Paul said you can put them closer to the road this way when someone drives by they won't see anything.

John said save yourselves some time, put those in so the board can see them.

John asked for a motion to open the public hearing.

Motion made by Russ, 2nd by Bill.

All ayes, motion passed to open the public hearing.

No public comment

John said that the board will leave the public hearing open.

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: Public hearing scheduled for 6/12/25.

Potential Action: Open Public hearing.

John said when they last spoke the board had asked him for financials which has been provided.

John asked for a motion to open the public hearing.

Motion made by Paul, 2nd by Bill.

All ayes, motion passed to open the public hearing.

Charles (26 Phillips Ave) said that he lives directly across the street from the property. He is not in favor of having a four-unit apartment next to another apartment. He wants to know what the applicant wants to do with the property, is he going to clean up, are there renderings of what it is going to look like.

Ron (24 Phillips Ave) said that it was originally a single-family home and after the owners passed away apartments were made upstairs, probably illegally. That building is not zoned for four apartments. If you look at it right now the roof on the back had a tarp on it to keep the water out. That building is an eyesore and if you are just going to fix that it is not right, that building needs to be torn down and rebuilt into a one family home, which the neighborhood needs, it doesn't need another apartment building. The original owner added on to that building probably illegally and he built that shed that is next to it.

Janet (18 Elting Pl) said that the building should be condemned and knocked down. She cannot imagine fixing it up and renting it out to four families. Is he going to rent out to people who have dogs and cats. That place needs to be knocked down and a single family needs to be built. She is not in favor of this at all.

Tim (22 Phillips Ave) said he is here to speak on behalf of his mother who lives at 25 Grove St. It was a single-family house that a large extended family lived in. He doesn't think that a four-family house is appropriate there. He read in the zoning code that if a non-conforming use was unoccupied for a certain period of time the non-conforming use no longer applies. He is not in favor of the project.

Carey (32 Phillips Ave) said has it been inspected at all after purchasing. If it is zoned for three apartments and now they want is there going to be anything additional added on to the building. Is the structure safe, have there been plans.

John said that the footprint is not being changed.

Carey said they are somehow going to work in a fourth unit.

John said the exterior footprint of the building is not changing.

Carey said does this building have public sewer. If you have four units what type of parking are you going to have, is it going to have off street parking or is the parking going to be in the driveway. Since there is going to be more people there, are there going to be more cops driving around. Has

any of this been considered.

John said with the parking yes it has.

Carey said she is not in favor of the four units, she knows it has been divided into three. She is not totally opposed to it, she is just opposed to adding another unit.

Paul asked how long as the place been vacant.

Willis (owner) said that he only brought the property in January.

Paul asked was it occupied before that.

Willis said it is unoccupiable as they were saying it is horrible inside.

John asked if there was a relative timeline of when it was last occupied.

Anthony said that the tenants when the old was sick squatted in there. He will have to take a look at the paperwork and get an idea, but he doesn't know when they moved out.

Ron said that building has been empty for at least 3 and half years. The last tenant was squatting and the cops came and took her out of there. That building has been empty 3.5 years.

John said the board has to do a little more research and will leave the public hearing open.

Paul asked are there any permits and CO for the apartments.

Anthony said there is no CO on the building. For 3 or more units the building department has to do fire safety inspections.

John said you would be able to provide the board when the last inspection was.

Anthony said he can.

Continued Public Hearings:

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 that the board received the rendering for the buffer. He looked it over and it is what the board was looking for. The board had asked the applicant to provide a buffer to block the viewshed of the accessory structure. They were looking for some trees to fill in, in case the neighbor cut down

all their trees. They had asked for a little bit lower of a buffer because of their viewshed of the mountain house. There was an invasive species that they were going to remove and plant azaleas.

Paul asked is the blue line on the plan all small plants.

Dorcas said yes, but the azaleas can grow to a height of 20-feet.

John said right, but they are very manageable and can also be used as a low hedge.

No public comments

John asked for a motion to close the public hearing.

Motion made by Paul, 2nd by Bill.

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, 2nd by Shawn.

Roll Call Vote:

John-aye

Paul-abstain

Bill-aye

Russ-aye

Shawn-aye

Minutes to approve:

May 8, 2025

John asked for a motion to approve the minutes.

Motion made by Russ, 2nd by Shawn.

All ayes, motion passed to approve the minutes.