

**ZONING BOARD OF APPEALS**  
**TOWN OF LLOYD**  
**MINUTES**  
**Thursday, July 10, 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, Russ Gilmore, Bill Brown, Shawn Zerafa, Mike Guerriero (Town Board); Board Staff: Paul Van Cott and Sarah Van Nostrand

**Absent:** Board Members: Jessica Van Houten and Corey Miller

**Public Hearings:**

**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: Public hearing scheduled for July 10<sup>th</sup>.

Potential Action: Open Public hearing

David (Applicant) said that the board had asked for a hand written draft of it.

John said he remembers that it didn't have a kitchen and then it had a kitchen.

David said when they did the blueprints the kitchen wasn't on there, but it always had one and for some reason it fell through the cracks.

John asked for a motion to open the public hearing.

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

All ayes, motion passed to open the public hearing.

\*No public comment\*

Balancing Test:

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

John said that it is a small ask as it was something that fell through the cracks, so he doesn't feel that it will have a detrimental effect.

Paul G. said he knows the property and feels that it will not.

Board agrees.

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

John said he doesn't believe that there as they went through the process, it was just something that fell through the cracks and is not a big ask.

Board agrees.

3. Whether the request for relief is substantial?

John said it is not.

Board agrees

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

John said no.

5. Whether alleged difficulty is self-created?

John said yes.

John asked if the board was in favor of having a draft resolution approving the variance prepared for next meeting.

Board was all in favor.

### **Continued 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 opened 6/12/25

John said this board is only here to determine if this is a service business or not.

Paul V. said from his perspective he sees what's happening in the town as a good example of how government should work. You had at the outset you had the building department make a reasonable determination, which is the job of the building department to make a determination of the zoning law based on his experience and expertise. The application for site plan approval came to the Planning Board and they gave notice of a public hearing and opened the public hearing. The public came out and spoke against the project and had concerns about air emissions, concerns that this was not a service business use and the Planning Board heard that and they said they are not going to move forward with it until this question of whether or not this is a service business use is resolved. The Planning Board asked the ZBA for clarification on the issue. It comes to the ZBA and some additional members of the public also joined in the appeal and be a part of the Planning Board's request for clarification. The board had a public hearing last month and there is a long draft of the minutes from the people who spoke their concerns and comments that have been received. In the mist of all of this the Town Board, which is the board that is responsible for making the law, the Planning Board is responsible for applying the law, the Zoning Board is responsible for interpreting the law. The Town Board is concerned about the emissions issue, the concern is beyond this project and it is a concern that is beyond them and is something that really needs to be addressed. The

Town Board is proposing a code change and they will take it up again next week. That is the process and it is working; the public is being heard. What it means for this board and the appeal, until the Town Board does anything, this board is still looking at whether this is a service business use or not. If the Town Board was to adopt the proposed zoning changes, which is an actual specific definition of crematory, then the question of whether or not this is a service business use goes away. From what he is has read of the proposed changes this use would be a crematory that would be subject to the zoning code as such. Basically, this board wouldn't need to interpret it anymore, it would change what Dave (Building Department) thought by just looking at the zoning code was the right approach.

John said as of right now it is still a question in front of this board and will hear the public's comments and concerns this evening.

Lacy (3 Tillson Ave.) said that she doesn't feel it was appropriate to bring up the Town Board proposal of the zoning code at this hearing. It is interfering with their ability to have a fair appeal because they have dipped their hands and muddied the waters. She doesn't believe this is fair to do to them, she doesn't think they should be expected to speak yet again to explain the same things they have been saying. This is being rushed through by the Town Board and is not an appropriate solution for this problem. There are a lot of issues with the Town Board's proposal and this is just continuing to drag on the project. In her statement that she submitted for this meeting she put in that there is nowhere in the state where this is considered a service business. This is not considered a service business even by the DEC as was pointed out last meeting. She asked the board to consider ending this piece tonight.

Sal (Brescia Blvd) said the Town Law of New York State Chapter 62, article 16 is where the ZBA power comes from, 267 (b) said when the board is deciding appeals they have all the powers of the administrative official from who's order the interpretation or determination was taken. He thinks that in a sense the board is the building inspector now, the board is the building department they have taken that over. If he was on the board he would think of how this would fit. The first thing he would look at is the definition of a service business and it doesn't really help as a service use provides a service to the public. A rhetorical to that is if a slaughterhouse came in but they sold hamburgers once a week would that be a service. He doesn't think an incinerator was contemplated in the zoning code or the comprehensive plans. Chapter 100-5 states that it was enacted to promote and protect the public health, if he was the board that is what he would use as his guideline. In 100-12 says uses that are not listed in the use are prohibited.

Joan (5 Greatview Lane) said that this can be boiled down pretty simply, this is a request for an interpretation of the zoning law. The question is according to the zoning code are crematories allowed in this zone. If a use is not listed then it is prohibited, crematories are not in this list of permitted uses. Crematories were considered when this was written and were explicitly unlisted that in the definition of a funeral home. Crematories are not permitted anywhere in the town; this should be the board's interpretation of the code.

Cathy (146 New Paltz Rd) said that tonight is about more than just a single project, that fact that a decision is not being made on this because of something that the Town Board may or may not do is concerning. This is about protecting our children, respecting the community's voice and insuring that development aligns with the comp plan of smart growth. The comp plan is clear and the town should be fostering smart growth that sustains our sense of place, supports the natural environment,

supports an ecotourism economy and respects the wishes of residents. This project does none of those things. This is not about anti-business, this is about have the right business in the right area and following the planning principles that have already been agreed to, while protecting public health. This project does not create jobs, does not create significant economic activity, it is employed to make money on the back of Highlanders and at the expense of our kids safety and their long-term vision. The bottom line is the Town Board is going to do what the Town Board's going to do and hopefully it's the right decision. This board's task is very clear in that it is determining the definition of a service business.

Meghan (10 Woodside Pl) said that it was interesting that the attorney mentioned this being a good example of how government works because she believes that this is disfunction that people thought it was okay to put this next to an elementary school. The town didn't follow the correct process, the first time there was a public hearing none of them knew about it, there wasn't appropriate contact with the neighbors. The first public hearing this was set for was on February 27<sup>th</sup> and there was a public hearing on March 27<sup>th</sup>. It's disappointing that the board is not making a decision because she was hoping they would make the right decision and now it opens the town up to stand alone human crematoriums.

Will (7 Tina Dr) said he is concerned about emissions. He thinks that calling it a pet crematory makes it sound nicer, when all it really is, is a bulk animal waste disposal. It is not a funeral home; they are talking about thousands of pounds of animal waste being disposed of. Does animal waste have to go somewhere, sure, but it is clearly inappropriate to be located next to a school. Even if it was to be a service business, would you allow that type of pollution from any service business in the community. He said it is very frustrating that there isn't going to be a decision from the board.

Bruce (314 Bellevue Rd) said that Dave issued a memo stating why he thought pet crematories fell into the service business category for purposes of the zoning table. The chairman of the Planning Board through electronic transmission asked for a determination from this board on whether that this is the correct determination. Him and 3 other co-appellant also filed an appeal with the department of building & planning seeking to appeal that same determination and that is the purpose of this meeting. Two weeks ago, the Town Supervisor proposed an ordinance that would add human and pet crematories to the town's zoning table and would allow it as a permitted use with site plan approval in the light industrial zone. As the attorney mentioned, the two are being considered in parallel. If the board was to determine that Dave was correct, that would mean that pet crematories are permitted as a service business within the GB and the other zoning districts which allow service businesses. If in addition the Town Board approves the zoning code human and pet crematories would be allowed in the zoning table in light industrial zones, but that same zoning table would prohibit pet and human crematories in the light industrial zone which would create a conflict of laws with the zoning code. A prerequisite should be that this board should conclude that pet crematories are not a service business. This would allow the Town Board to include them in light industrial zones. He cautions against having two different sets of zoning laws at the same general use, one for pet crematories and the other for pet/human crematories from two different sources of law. He disagrees with the attorney, if the Town Board passes this ordinance it does not make this determination go away, it is a determination that the board has to make. He read a response regarding that his appeal was combined with the planning board's appeal. In town code and state statute there is a deadline in which the ZBA must render a return opinion on an appeal. If the ZBA does not they are entitled to go up to Kingston to the Supreme Court and seek an opinion.

Mike (Brescia Blvd) said that he thinks the Town of Lloyd has already established by not allowing any of the funeral homes to operate crematories, that means that crematories are not allowed. The fact that crematories are not listed as a business in any zone in the Town of Lloyd that it is acceptable, he thinks the decision is straightforward because it has already been established that crematories are not allowed.

Roger (News Reporter for Mid-Hudson News) wants to know why the decision is being postponed.

John said the board is not answering questions it is just public comment.

John said that the board will leave the public hearing open. This board is independent from the Town Board, what they are doing will not have an effect on this board's decision. This board is still tasked with whether a crematorium is a service business.

Kim (19 Dogwood Knoll) said at what point can the public expect or anticipate a response. She said the board has heard from over a dozen people and heard why this doesn't fit. They are waiting for a response; they are not hear for additional public comment.

Angela (Smith Ter) asked if the public has the power to request a vote today.

John said it is public comment.

Angela asked if there was a possibility that there would be a vote tonight and if not what additional information are you waiting for.

John said the board wants to seek advice of counsel and they are going to leave the public hearing open.

Paul V. said there is no conflict of law; this board's job is to interpret the law; the Town Board's job is to make the law. If the Town Board makes the law, it changes the law. If crematoriums are or are not a service business use becomes irrelevant if the Town Board adopts a local law that provides an express definition of a crematorium and if the Town Board says that a crematorium can only be in the light industrial zoning district, the pet crematory that is proposed; even though that it is not what the zoning change is about, that project goes away.

Lacy said that is spot zoning as there is no other applicant.

Paul V. said the reason he understands that the Town Board is taking this action is because of concerns about air emissions in the community. It is not about this project; it is not an effort to zone out this project. That is his understanding and his rationale that the Town Board has advanced, it is a general concern of public health, safety and welfare. It is about all the things that the public has been commenting on that aren't relevant to the Zoning Board's determination. The Zoning Board is just looking at it with blinders on, in terms of the definition on service business use and does it fit there, that is all they are looking at. The Town Board gets to look at it broadly in terms of crematorium where should they go, do they have a place in this town. The zoning changes that they are proposing say that it would only go into the light industrial zone. That is them doing their job trying to protect the health, safety and welfare of the community in the way that they are seeing it. The Town Board is the ultimate authority; they make the law; the Zoning Board just interprets it.

Lacy said that she would love their interpretation right now.

Paul V. said what the board is doing is looking at whether or not this is a service business. If the Town Board makes a decision that takes it out of their hands, this issue in terms of the interpretation goes away.

Lacy said she asked at the Town Board meeting if the ZBA said it wasn't a service business, and if they found it was also completely prohibited in the town. She then asked if they would still allow crematorium in the zoning code. The supervisor said yes because the Town Board believes that it should go in the industrial zone. That is not based on public interest, that is not based on anybody saying that they want to do.

Paul V. said the board needs advice of counsel, they need his firm to go through all of the written information that has been provided, to provide another opportunity for the public to speak, you do have the Town Board looking at this as well, that may have an effect on all of this. As the chair said they need advice of counsel, they need to be presented with the options for what they can do on what they could do and why it would be appropriate and legally defensible because when they have people saying they are going to sue them it has to be taken seriously as the tax payers pay for litigation, so if they can find a way to avoid litigation that is always the better way.

**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 opened 6/12/25, pictures circulated to board

Potential Action: Close public hearing, approval resolution

John said the board will need a copy of a plot plan showing exactly where the shed is going.

Balancing Test:

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

John said as the board went through with the applicant, given the amenities already on site and the topo of their property is unique in that the only feasibly location is where it has been determined.

3. Whether the request for relief is substantial?

John said that given the location of the property and location of the shed and the viewshed from the road, he does not believe it is substantial.

Board agrees.

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

John said he does not feel that there will be any adverse impacts.

5. Whether alleged difficulty is self-created?

John said yes.

John asked for a draft resolution be prepared approving the variance.

Straw Poll: Board is all in agreement to approve the variance.

**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 opened 6/12/25.

Potential Action: TBD

John said the board had asked for more information at the last meeting regarding when the building was last occupied, proof of when it was occupied last.

Willis (Applicant) said he spoke with Anthony (Building Inspector) it was occupied when the building changed hands back in February of 2024.

Paul G. asked how many apartments were occupied.

Willis said he didn't ask.

Paul V. said the use was active at that time.

Willis said what was added was the plot map showing the other non-single family uses in the area.

Discussion of rent took place.

Tim (representing his mother who lives at 25 Grove St) said that it was last occupied in February of 2024, what proof is there or were they required to show any proof. There was a squatter as far as he knows. He doesn't believe that it was ever a three-unit apartment. It was originally a one family home that an extended family lived in, they had an upstairs/downstairs arrangement. He doesn't know if the third apartment was ever allowed. To go to four on a small parcel, in a small building seems unreasonable. If it was occupied in February of 2024, he wishes that there is some proof of that because he doesn't believe that as he lives across the street.

John said it is a lot for him, two are allowed and you are asking for 4.

Paul G. said that they are doubling the impact.

Willis asked is the board going from 2 to 4 or 3 to 4.

John said the board is looking at everything. You are allowed two, you are asking for four. Pre-existing non-conforming does play a part in it but it is still going from two to four. For him

personally it is a significant ask.

Paul G. said he has an issue because it is doubling the density.

John said he has more questions for the building department. You purchased the property in December.

Willis said it was January of this year.

John said as far as occupancy you wouldn't be able to provide.

Paul V. said that maybe the building department should review what was provided and give a statement about the impacts on parking and anything else that the board wants. How many bedroom apartments are they.

Willis said they would all be 2-bedroom apartments. Before he starting taking things apart there were 2-2 bedrooms and 1-1-bedroom.

Paul V. said that could tell the board the potential for number of cars. He asked if it was public water and sewer.

Willis said it was public water and sewer and is already there, electric is already there.

John said that Anthony mentioned that there was an abandoned section of the building when entered the building.

Willis said yes when you enter the building and go to the right and it wasn't livable space; it had a common washer and dryer set up. That would be taken for livable space for the additional unit.

John said he is not comfortable doing a straw poll without the additional information from the building department.

Board agrees.

Shawn said the board knows that two units was allowed, the third unit has been outside the code, but it is old.

John said it is based on a timeline.

Willis said the third unit was permitted.

Shawn said was it permitted or was it just existing.

John said from previous information it was pre-existing non-conforming. What happens is you hit a threshold and you have to maintain certain criteria to keep the pre-existing non-conforming, if you increase the footprint, if you do major construction, if it does not have that use for more than a year. There are criteria and he wants to make sure that they are all being met. He wants to see what the building department has to say because with the information the board has right now it is a pretty

big ask.

Willis said because you are looking at going from two to four.

John said it is the R-1/4 zone, that is a single family on a quarter acre, that is what the town wants in that area. What the board is doing is they are going four on a half-acre and it is a big ask.

Paul V. said that it sounds like the board would be okay with 3 units.

John said going from one to two is allowed. When you go from two to three that's considerable, now you are going from three to four.

Willis why are you going from one to four.

John said you have one lot, you are allowed to build a house on a quarter acre, that is what the town envisions for that area. Because you have half an acre you can go up to two. You have three, now you want to go to four.

Paul V. said it might come down to if the variance is not granted what would the impact be to the applicant.

John said and if the board does grant it what would the impact to the neighborhood be.

Paul V. said this is one where the balancing test may come into effect.

John said he is not comfortable evaluating that without all the information.

Discussion about parking took place.

**Minutes to approve:**

June 12, 2025

John asked for a motion to approve the minutes.

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

All eyes, motion passed to approve the minutes.