

ZONING BOARD OF APPEALS
TOWN OF LLOYD
MINUTES
Thursday, September 11, 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: Shawn Zerafa (Acting Chairman), Bill Brown, Russ Gilmore, Jessica Van Houten (came in at 7:03), Corey Miller; Board staff: Paul Van Cott and Sarah Van Nostrand

Absent: Board Members: John Litts and Paul Gargiulo

Public Hearings:

YW Highland Realty LLC: Area Variance: 1 Lockhart Ln: SBL #88.13-8-4

Applicant is seeking an area variance for 0.07-acres of relief from the minimum acreage required to have a 4-family dwelling in the R ¼ Zone.

Review Status: Public hearing set for September 11, 2025.

Potential Action: Open public hearing.

Weiss (Owner) said that the house was originally a single-family home and some construction was done illegally without permits. He bought the property a couple of months ago and wants to legally finish the conversion to a four-family. He submitted plans with the application. It is petty straight forward there are going to be four nice apartments.

Zerafa asked for a motion to open the public hearing.

Motion made by Gilmore, 2nd by Brown.

All ayes, motion passed to open the public hearing.

No public comment

Van Cott said that he suggests that the board continue the public hearing next month.

Weiss said that it is a 2-story house, the 1st floor was in the process of being demolished when a stop work order was placed on the property. Upstairs was made into 3 apartments, 1 of the apartments is vacant, 1 will be vacant within a week and 1 family will stay there as it is a single-family house a single family can stay there. It is going through the court in the town since there was construction done illegally.

Van Cott asked where is the building department in terms of recommendations for this project.

Van Nostrand said that it has been busy and didn't get a chance to speak to the department regarding a recommendation.

Van Cott said the question for the ZBA is do they want to talk about the project in relation to the variance factors.

Gilmore said his feeling is that they are looking 0.07 acres is a minimal request in his opinion. They are looking to make it legal they are not going to disrupt the neighborhood.

Van Cott asked if there are impacts potentially to the neighborhood due to the requested variance.

Gilmore said he doesn't think so, he has been to the site.

Van Cott said it is quarter acre zoning and they have close to an acre. He asked if it would be appropriate for this property to be a 4-unit dwelling.

Gilmore said he thinks so, they currently have how many apartments in it.

Weiss said 3, but they are all on the 2nd floor, so they want to make 2 out of the 3. There are going to be 2 bigger apartments on the top floor and 2 bigger apartments on the first floor.

Van Cott asked if they have plenty of room for parking and would that work for the property and neighbors.

Weiss said in the front of the property there is going to be parking and there is plenty of room. There is going to be parking on the side for handicap access.

Gilmore said the road is one way at that point also.

Weiss said yes.

Van Houten said just to be clear the parking is not existing, it will be developed as parking.

Weiss said yes.

Van Houten asked how much parking is there now.

Weiss said there is one spot under the covered porch and there is more room for parking in the back.

Van Houten asked will that be crushed stone or paved.

Weiss said the plans show that it will be crushed stone, but he would pave it because it will be easier to maintain.

Van Cott asked why wouldn't a 3-unit property work for you.

Weiss said 3 units would work, but since it is only this small difference that is missing, it made

sense to try to go for a four-family.

Van Cott said on the other hand you wouldn't need a variance if you only had 3 units.

Weiss said that is correct.

Van Cott said there is no specific need for the 4th unit.

Weiss said he didn't say there wasn't a specific need for the 4th unit, they would like to have another apartment in there. They are not missing a lot of area to make the requirement it makes a lot of sense to go for a variance, but with 3 it is going to be harder for him to make money off of it. Also, there is not a lot of housing in the town. It is not going to be 4 tiny apartments they are going to be 4 nice apartments.

Van Cott said the only reason he brings that up is the variance standards one of the questions is alternative that would meet your objectives that would not require a variance. You said that you would prefer to have 4 because it would help your bottom line, but it is not absolutely critical to your bottom line.

Weiss said he hasn't run that scenario, it won't hurt his bottom line, but the town cannot look at his bottom line and make a decision.

Van Cott said that goes with his objective to the project. He is just putting these questions out there for the ZBA to consider, it is not his call he is just the attorney.

Van Houten asked if the building footprint was staying the same.

Weiss said it will stay the same footprint.

Zerafa asked what kind of construction was going on there before it was permitted.

Weiss said it was a single-family home and they made 3 apartments out of it.

Zerafa said did it start out as a two-family.

Weiss said that single-family home.

Zerafa said so each of the apartments neither of them were permitted and then the third apartment is what you are asking the variance for.

Weiss said as far as he knows he doesn't think there was ever a permit pulled for this property. All the work that was done whether it was the apartments or the demolition downstairs never went through proper channels. He wants to convert the 3 apartments upstairs, so they will be 2 bigger apartments and have 2 of the same sized apartments downstairs.

Van Houten said the interior work was structural.

Weiss said it was cosmetic; they didn't move load bearing walls.

Van Houten said so they were just putting walls up and taking walls down.

Weiss said yes.

Van Houten asked if he would be able to provide the proposed square footage of the parking area.

Weiss said it should be on the plans.

Van Cott asked the board if they wanted to do a straw poll or whether there is more information that the board needs to make a decision.

Zerafa said knowing that they are still in litigation regarding the previous work that was done there, it feels strange to do a straw poll giving a decision on this saying that the board would grant the variance for a fourth apartment while they are still in proceedings to put the two in that were done without a permit.

Van Nostrand said that this is part of the litigation it was recommended that in order to postpone it that they start the process of appearing before the ZBA for the four units, then they apply to the Planning Board and the litigation would drop once they pull permits.

Van Cott said that is not atypical of part of bringing an enforcement to force the issue of them bringing it to zoning to see if there can be compliance. If the board is comfortable with it then that would be helpful to resolve it. If not it will go on and get whatever penalties are appropriate.

Zerafa said the board could do a straw poll, but personally he feels that it should be done next month, so the board has time to go back over this.

Miller said he would like to wait to next month.

Gilmore said he is good with waiting.

Continued 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 opened 7-10-25

Potential Action: Close public hearing, approval resolution

No public comment

Zerafa asked for a motion to close the public hearing.

Motion made by Gilmore, 2nd by Brown.

All ayes, motion passed to close the public hearing.

Van Cott read the resolution.

Zerafa asked for a motion to approve the resolution.

Motion made by Brown, 2nd by Gilmore.

All ayes, motion passed to approve the resolution.

Minutes to approve:

August 14, 2025

Zerafa asked for a motion to approve the minutes.

Motion made by Zerafa, 2nd by Brown.

All ayes, motion passed to approve the minutes.