

ZONING BOARD OF APPEALS
TOWN OF LLOYD
MINUTES
Thursday, July 9, 2026

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, Corey Miller, Mike Guerriero (Town Board); Board Staff: David Gordon and Sarah Van Nostrand

Absent: Board Members: Bill Brown, Shawn Zerafa and Jessica Van Houten

New Business:

Arket Holdings LLC: Area Variance: 25 Oakes Rd: SBL #96.5-3-2

Applicant is seeking an area variance for backyard setback relief of 11.5 feet for an addition.

Review Status: Application, survey and photos circulated to the board.

Potential Action: Set Public hearing for August 13, 2026.

Present: Ryan Arket (Applicant)

Arket said he currently lives in Poughkeepsie; 25 Oakes Rd will be his primary residence after the renovations are done on the house. Currently there is a back deck off the house that is 8 feet and the idea is to enclose that to make a mud room but they want to make it 2 feet to make it 10 feet. He is seeking a rear yard variance. Behind the house there is a steep rock ledge leading up to Franny Reese Park.

Litts said the existing deck already encroaches on the setback.

Arket said yes.

Litts said you are looking for an additional two feet.

Arket said yes.

Litts said you won't be encroaching on your septic or well.

Arket said no it is all in the front and the well is in the far right corner of the property.

Litts asked for a motion to set the public hearing for next month.
Motion made by Gilmore, 2nd by Gargiulo.
All ayes, motion passed to set the public hearing.

Public Hearings:

Cohn, Chris: Area Variance: 1 Falcon Dr.: SBL #86.4-3-41

Applicant is seeking an area variance for 0.5 acres for minimum acreage for an accessory apartment.

Review Status: Photos and email circulated to the board.
Potential Action: Open public hearing.

Present: Chris Cohn

Photos of the site and neighborhood were shown.

Litts asked for a motion to open the public hearing.
Motion made by Gilmore, 2nd by Miller.
All ayes, motion passed to open the public hearing.

O'Connell (2 Falcon Dr) said that she is opposed to an accessory apartment. She respects and understands the need to care for aging parents. The applicant is seeking relief from the towns minimum acreage requirement as the property does not comply with the existing zoning regulations. The regulations were created to protect the character of the neighborhood, prevent overdevelopment and ensure that the properties are correctly sized for their uses. Minimum size requirements should only be waved when there is a necessity and she believes that standard has not been met. She is concerned that if this variance is granted it will send the message that the towns standards can be set aside even when a property clearly does not meet them. She feels that approving this request can make it more difficult to deny other requests in the future and may encourage applications seeking the same relief from the same requirement. Her question is what is it about this application that justifies setting this requirement aside. How does granting relief from this requirement preserve the intent of the town zoning code and the very standards that were put into place to protect neighborhoods like theirs. She mentioned that this property has access on Station Road which seems better suited to handle an additional dwelling unit, orientating the unit towards Station Road would allow the construction to fit the traffic patterns better and would have less impact on the residential character of Falcon Drive. She is concerned about the long-term impacts on the neighborhood as in the application it states that it will be for family only future ownership or changing circumstances may alter the space to be used by tenants, which could increase the traffic and parking demand and the number of vehicles entering Falcon Drive altering the quiet residential character. The property already has additional traffic associated with it as there is a business that operates from the home. These are not temporary impacts they are permanent land use decisions that affect every neighbor.

Cruz (19 Falcon Dr) said that he agrees with O'Connell. He is not opposed to trying to help older family members it is really about having the addition of an apartment there. If something happens to

his parents or they move out, now someone else can move in and they will have income property there that doesn't go with the family style neighborhood that they have there. The parents can move into the existing home without having an additional building on the property.

Gilmore said that the footprint is not changing, they are just looking to use part of their property differently.

Litts said the footprint of the building of the building that is existing, is the footprint changing.

Cohn said no.

Litts said the footprint of the building stays the same.

Cohn said correct.

Litts said it will not be a larger structure.

Cohn said no, there is a pavilion already up and it was built a couple of months ago. This is for family use only it was never intended to be a rental property.

Litts said that when the board grants a variance it runs with the property and he doesn't think they could put a stipulation on it.

Gordon said this is an ADU and they are not restricted to family use. He is not sure the answer to the question. The board can impose conditions that they find necessary to protect the neighborhood. In this situation the condition that he believes the board is contemplating is bumping up against certain constitutional issues since it would be mandating that it be for family members only.

Litts said or termination of the ADU, that is terminated when a family member no longer lives there.

Gordon said he would have to go back and research that.

Gargiulo said that there is an issue with that because the owner will put money into the project and then claim a hardship after the person leaves. If they give a variance for an apartment whether its for family or not it is going to go with the property.

Gordon said it would go with the property and the board could impose a restriction on the owner if the board feels that it would protect the neighborhood, it will go with the property. The question here is whether they can impose a restriction or not on family which will require research. The next question is if the next person doesn't want to live with that restriction and rip it out and are incurring costs that the board imposed the answer would be no. The board can restrict the variance if it is necessary to protect the nature of the neighborhood. He would have to look into the family which would raise constitutional issues. When the town drafted the ADU law he thinks it was in recognition of a housing problem he doesn't think it was intended to be just for family he thinks it was intended because people need housing.

Cohn said what about the other large structures in the neighborhood that are not screened. His in

comparison is a lot smaller than the other detached units on Falcon.

Discussion about town zoning took place.

Litts said he wants to table any more discussion until research on the subdivision can be done. The public hearing will be left open.

O'Connell said that she doesn't disagree that there were large structures built on other properties or were not overly large her biggest concern is that the other structures are being used as garages, sheds they are not going to be used as places of occupancy and create additional people on the road.

Litts said it is an allowed use if you meet the criteria of an accessory apartment in the zone that you are in, it is an allowed use to have a house and an accessory dwelling unit. It is a town, county, state and country wide thing where they are being encouraged for more affordable housing. In the future where they have the bigger lots they can absolutely do it. The applicant would be able to do it if he met that criteria, so it could still happen on Falcon.

Discussion about legal research to be done took place regarding terminating a variance.

Minutes to approve:

June 11, 2026

Litts asked for a motion to approve the minutes.

Motion made by Gargiulo, 2nd by Miller.

All ayes, motion passed to approve the minutes.