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**AYES:** **NAYS:** **ABSTENTIONS:** **ABSENT:**  
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**ZBA MEETING MINUTES**  
**TOWN OF LLOYD ZONING BOARD**  
**Thursday, January 10, 2019**

1 **CALL TO ORDER TIME:** 7:00PM  
2

3 **PLEDGE OF ALLEGIANCE**  
4

5 **ATTENDANCE** **Present:** John Litts, Chair; Alan Hartman; Russell Gilmore; William Brown;  
6 Laura Oddo-Kelly, Administrative Assistant to Planning and Zoning;  
7 **Absent:** Paul Gargiulo, Vice-Chair; Michael Guerriero, Town Board Liaison; Anthony  
8 Giangrasso, Deputy Building Inspector.  
9

10 **ANNOUNCEMENTS: GENERAL, NO SMOKING, LOCATION OF FIRE EXITS; ROOM CAPACITY IS**  
11 **49, PURSUANT TO NYS FIRE SAFETY REGULATIONS. PLEASE TURN OFF ALL CELL PHONES.**  
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14  
15 **Extended Public Hearing**  
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17 **Vedder. Emmett, Jr., 840 N Chodikee Lake Rd, SBL# 79.2-2-3.100 in R1 Zone.**  
18 Applicant is requesting an 8' 9" area variance to place a 24' x 12 ' garage in the front yard.  
19 **The Board asked for an exact location of the septic tank and leach field are and the**  
20 **measurements from the existing sheds to the property lines for the next meeting.**  
21

22 A **Motion** was made by Alan Hartman, seconded by Russ Gilmore to open the public hearing.  
23 Four ayes; one absent. **Motion** carried.  
24 Litts asked if there were any public comments. There were none.  
25 Applicant was present to describe the orientation of the proposed building which he states is  
26 agreeable to his neighbor and would only require the front yard variance. He presented a  
27 rendering of the proposed project as well as photographs of the property.  
28 There was a discussion of the proposed orientation of the structure.  
29 Hartman inquired whether the Board should additionally reach out to the applicant's neighbor.  
30 Litts said they were notified that there was a public hearing and that the ZBA received a letter  
31 from them. He said it was not the responsibility of the ZBA to inform the neighbor again when  
32 they have already been notified.  
33 The Zoning Board reviewed the letter from Jeff and Dawn Passante again. The Board determined  
34 the applicant mitigated the neighbor's concern by the present proposed orientation of the  
35 structure.  
36 Additionally, Litts said by changing the orientation of the structure, the applicant now meets all  
37 the zone setbacks. The ZBA only needs to consider the structure in the front yard and they have  
38 exhausted any other location on the property that would feasible for the garage structure. The  
39 applicant has given supplied the ZBA with everything that has been requested.

40 Gilmore asked the applicant if he contacted the neighbor to see if the present orientation was  
41 agreeable.  
42 Vedder said he spoke to the neighbor about it and it was agreeable. The neighbor has not seen  
43 the rendering but visited the property to see the layout.  
44 Gilmore said he wanted to make sure it was put into the record that the ZBA was concerned the  
45 perception of the community.  
46 The ZBA went through the balance test for the residential area variance.  
47 Hartman felt the applicant's neighbor should be notified again because it was an obstruction of  
48 their view.  
49 Litts said he believed it was not proper for the ZBA to reach out to the applicant's neighbor again  
50 when they were already notified by certified mail, they were notified of the public hearing and  
51 they responded.  
52 Hartman motioned to extend the public hearing to contact the neighbor who sent a letter to the  
53 ZBA. No board member seconded the motion, so the motion did not carry.  
54 Litts said the applicant's neighbors were notified and given ample opportunity to respond or  
55 make public comments.  
56 A **Motion** was made by Bill Brown, seconded by Russ Gilmore to close the public hearing.  
57 Three ayes; one nay (Hartman); one absent. **Motion** carried.  
58 The Board conducted the balance test.  
59 Litts read the resolution.  
60 A **Motion** to grant the area variance was made by Bill Brown, seconded by Russ Gilmore. Three  
61 ayes; one nay (Hartman); one absent. **Motion** carried.  
62

### 63 **New Public Hearings**

64  
65 **Budnik, John & Debra, 289 Hurds Rd, SBL# 94.2-1-4.120 in A Zone.**  
66 Applicant is seeking an area variance relief of .97 acres to then apply to the Planning Board for  
67 an accessory apartment in their detached 28 x 24 sq. ft 2-story building on the parcel.  
68 **The Board requested pictures, a survey and a site plan for this meeting.**  
69  
70 A **Motion** was made by Russ Gilmore, seconded by Alan Hartman to open the public hearing.  
71 Four ayes; one absent. **Motion** carried.  
72 The applicant presented pictures, a survey, and a site plan that was requested by the ZBA at the  
73 previous meeting.  
74 The Board reviewed the materials submitted. There was a discussion of the square footage and  
75 what the interior of the remaining building space housed and would house.  
76 Litts asked if there were any public comments.  
77 Patrick Koch, 314 South Ohioville Road and Christopher Welch, 320 S. Ohioville Road, both  
78 abutting property owners, voiced their concerns about the proposed project. Both residents  
79 wanted to know where the sewer line runs as it could be in close proximity to their wells. They  
80 were concerned as well with the noise of future tenants, if it would be owner/family occupied  
81 and where the setbacks of the property lines are.  
82 There was a discussion of the septic tank, its specifications, and its location on the property. The  
83 applicant said, according to the Department of Health, there are no records of the location but  
84 was told they could hire a service to excavate and find the exact location and orientation of the  
85 septic and accessory tank.

86 The applicant said they have a CO for the accessory building but not as an apartment.  
87 Litts said he would like to have confirmation and depict on the plan where the sewer tank, sewer  
88 lines run, where the leach field is and where the neighbor's well is before they make a decision.  
89 A **Motion** was made by Russ Gilmore, seconded by Bill Brown to extend the public hearing.  
90 Four ayes; one absent. **Motion** carried.

91  
92 **Jensen, Mark, 115 Carly Drive, SBL# 79.4-2-45.200 in R1 Zone.**

93 Applicant is seeking an area variance to allow a two-lot subdivision with the two flag lots with  
94 the purpose of constructing two single family dwellings.

95  
96 A **Motion** was made by Bill Brown, seconded by Russ Gilmore to open the public hearing. Four  
97 ayes; one absent.

98 John Litts recused.

99 Patti Brooks, applicant's representative, was present to give an overview of the proposed project.  
100 She said at the last meeting there were questions raised about jurisdictional wetlands on the  
101 property. The property has not been surveyed yet but as a result of the concern over the federal  
102 wetlands, they have revised the frontage to accommodate where the driveway was actually  
103 constructed. The lot line was adjusted as to not interfere with the wetlands.

104 The Board reviewed the revised maps and felt they no longer needed more information to make a  
105 decision.

106 Herb Litts, abutting resident, voiced his concern about the existing drainage and reviewed the  
107 maps presented to the Board.

108 There was a discussion of the drainage presented by Patti Brooks.

109 Gilmore inquired about the Fire Department review.

110 Brooks said they set the largest ladder truck swing and turning radius in the plans when  
111 establishing the lot lines and driveways. All are in accordance.

112 Herb Litts was satisfied by the existing and proposed drainage according to the maps.

113 Litts said because he recused himself, Hartman needs to act as chairman on this project as he is  
114 the most senior member on the Board present.

115 Oddo-Kelly read the resolution into the record.

116 The Board conducted the balance test.

117 A **Motion** was made by Russ Gilmore, seconded by Bill Brown to close the public hearing.

118 Three ayes; one recusal (Litts), one absent.

119 A **Motion** to grant the area variance with the restriction of no further subdivision was made by  
120 Russ Gilmore, seconded by Bill Brown. Three ayes; one recusal (Litts), one absent.

121  
122 **Perilli, Vincent & Sheila, 77 Mayer Drive, SBL# 95.12-3-20 in R ½ Zone.**

123 Applicant is seeking an area variance relief of .08 acres to then apply to the Planning Board for  
124 an accessory apartment in their primary residence. (See 100-42 above)

125 **The Board requested pictures of the property for this meeting.**

126  
127 A **Motion** was made by Alan Hartman, seconded by Bill Brown to open the public hearing. Four  
128 ayes; one absent.

129 The applicants were present to give an overview of the project and answer any questions.

130 The Board reviewed the pictures supplied by the applicant.

131 The Board conducted the balance test.

132 A **Motion** was made by Alan Hartman, seconded by Bill Brown to close the public hearing. Four  
133 ayes; one absent.

134 Litts read the resolution.

135 A **Motion** to grant the area variance was made by Alan Hartman, seconded by Bill Brown. Four  
136 ayes; one absent.

137

138 **Minutes to Approve:** November 8, 2018

139

140 A **Motion** to approve the minutes of the November 8, 2018 Zoning Board Meeting was made by  
141 Alan Hartman, seconded by Russ Gilmore. Four ayes; one absent.

142

143 A **Motion** to adjourn was made by Bill Brown, seconded by Alan Hartman, at 8:15PM. Four  
144 ayes; one absent.

145