Certification of Receipt

Rosaria Peplow, Town Clerk

ZBA MEETING MINUTES

TOWN OF LLOYD ZONING BOARD Thursday, April 12, 2018

CALL TO ORDER TIME: 7:00PM

PLEDGE OF ALLEGIANCE

ATTENDANCE Present: John Litts, Chair; Paul Gargiulo; Russell Gilmore; William Brown; Paul Symes; Alan Hartman; Michael Guerriero, Town Board Liaison; Anthony Giangrasso, Deputy Building Inspector; Laura Oddo-Kelly, Secretary to Planning and Zoning.

ANNOUNCEMENTS: GENERAL, NO SMOKING, LOCATION OF FIRE EXITS, ROOM CAPACITY IS 49, PURSUANT TO NYS FIRE SAFETY REGULATIONS. PLEASE TURN OFF ALL CELL PHONES.

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123456789

14 Old Business:

15 **Perkins, Michael, 30 Bell Dr., 88.17-6-21, in R**¹/₄ Zone.

16 Applicant is proposing to build a two-bay garage on their property. The property is on a private

17 road with three homes. The driveway is on the side/rear side of the home. The garage would be

18 between the home and the private road. A shed was constructed on the property years ago with a

19 building permit. The applicant is taking the shed down and building a garage. The garage is

20 going to be 26 x 22 with an 8-foot lean-to on the side facing the home. Applicant is seeking

21 interpretation of where the front yard is from the ZBA.

22 100-8 Terms Defined.

- 23 Definition:
- 24 Yard, front

25 A yard extending across the full width of the lot and lying between the front line of the lot and

- 26 the nearest line of the principal building.
- 27

28 100-16 Regulations applicable to accessory buildings and structures in residential districts.

29 The provisions of this chapter applying to residential districts shall be subject to such exceptions,

30 additions or modifications as are herein provided by the following regulations applicable to

- 31 accessory buildings and structures:
- 32 33 <u>A.</u>
- 34 Location.
- 35 [Amended 6-8-2011 by L.L. No. 2-2011]
- 36 <u>(1)</u>
- 37 No accessory building shall be located within a front yard.
- 38 <u>(2)</u>
- 39 An accessory building with gross floor area less than 250 square feet may be located within
- 40 and/or outside the parameters of the required side yard setback or required rear yard setback,

- 41 provided that such accessory building shall be set back five feet from any lot line, and all such
- 42 accessory buildings, in the aggregate, shall not occupy more than 30% of the area of the required
- 43 rear or side yard. Accessory buildings larger than 250 square feet must comply with the setbacks
- 44 of the zone in which they are located.
- 45
- 46 At the meeting on 03.08.18 the ZBA requested the Building Department file, measurements of
- 47 the existing house from the property lines (provided by homeowner/contractor), and the Town of
- 48 Lloyd Code definition of a road for the meeting on 04.12.18.
- 49
- 50 **100-8** Terms defined.

51 **Road**

- 52 A private or public right-of-way serving as a means for vehicular and pedestrian travel, over
- 53 which the abutting owners have the right of access, either existing or shown upon a subdivision
- 54 plat approved by the Town Planning Board as provided by law or on a plat duly filed and
- 55 recorded in the office of the County Clerk.
- 56
- 57 Russ Gilmore said he spoke to the previous owner of the home who said the south side of the
- 58 structure was the original front of the house. They had made modifications and used the
- 59 northside as a main entrance. Where the shed is, in the former owner's opinion, to be on the side
- 60 of the house which is consistent to what the applicant has presented.
- 61 The applicant presented plans to the ZBA and discussed what is proposed.
- Litts asked if the applicant had the offset to the property line where the proposed garage wouldbe.
- 64 The applicant stated that they do not have a proposed line, that they would like the ZBA to let
- 65 them know where they could put the garage.
- 66 Giangrasso stated that they would have to meet the setbacks.
- 67 It was determined by the plans that the front of the house is where the applicant classified it was.
- As long as the applicant can meet the setbacks then they do not need to seek a variance from the
- 69 ZBA. The Board was in agreement for the determination.
- 70 A Motion was made by Alan Hartman, seconded by Paul Symes stating the agreement of
- 71 determination by the Board on the location of the front of the house. All ayes.
- 72

73 New Business

74

75 Clark, Ralph, 6 Carolyn Drive, 94.2-4-7, in TR 1 Zone.

- 76 Applicant is seeking a residential area variance in order to build a porch on their existing
- residence closer to the road then what the code allows. The required footage from the structure to
- the road is 30', the actual distance from the porch to the road would be 21.7'. The applicant is
- 79 seeking a relief from the ZBA of 8.3'.
- 80
- 81 The applicant was present. Giangrasso stated that the applicant had taken an old trailer,
- 82 demolished it, and upgraded to a new structure. At the time when the applicant was upgrading,
- he had mentioned to the Building Department that he would like put an addition on of a mud
- room. At the time, they moved the trailer back as far was allowable with the steep drop off
- 85 behind where the proposed trailer would be. It was impractical to move the home further back.
- 86 Giangrasso also stated that the edge of the pavement is not the lot line.

- 87 There was a discussion of the measurements of the lot line and the distance to and from the home
- and the pavement.
- 89 The applicant stated that he had already poured a concrete pad where the proposed mud room
- 90 would be. The room would start approximately 6-8 inches from edge of the concrete pad.
- 91 Gargiulo said the ZBA had given relief to a similar case where the backyard had a steep drop-off.
- 92 A **Motion** was made by Alan Hartman, seconded by Paul Symes to set the public hearing for the
- 93 May 10, 2018 meeting. All ayes.
- 94 The applicant was asked to provide the actual measurements from the proposed structure (or pad)
- 95 to the edge of the road for the next meeting.
- 96

97 Pavlovich and Company, LLC, 185 South St, 87.3-5-29, in A Zone.

- 98 The applicant is seeking a use variance from the ZBA to convert their property, a legal single-
- 99 family dwelling, in A Zone (Agricultural) to commercial office use. The commercial use of the
- 100 property has expired. It last received a commercial site plan in 2005, and since that site plan was
- 101 never completed, the site plan is no longer valid.
- 102
- John Litts, Chair, stated the applicant filed the required materials too late and therefore wouldnot be on the agenda until the May 10, 2018 meeting.
- 105 Giangrasso stated that the applicant would benefit by coming into the Building Department and
- 106 going over the materials submitted so that he could present more information to the ZBA next
- 107 month on their behalf.
- 108
- John Litts thanked Paul Symes for his tenure on the ZBA and stated that he was sorry to see himgo.
- 111
- 112 A **Motion** to adjourn was made by Paul Gargiulo, seconded by Alan Hartman 7:38PM. All ayes.