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By:

Rosaria Peplow, Town Clerk

ZBA MEETING MINUTES

TOWN OF LLOYD ZONING BOARD

Thursday, November 8, 2018

1 CALL TO ORDER TIME: 7:00PM

2
3 PLEDGE OF ALLEGIANCE

4
5 ATTENDANCE Present: John Litts, Chair; Paul Gargiulo, Vice-Chair; Russell Gilmore; William Brown;
6 Alan Hartman; Michael Guerriero, Town Board Liaison; Anthony Giangrasso,
7 Deputy Building Inspector; Laura Oddo-Kelly, Administrative Assistant to Planning
8 and Zoning; Rob Stout, Attorney.
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.
12
13

14 New Public Hearing

15
16 **Vedder. Emmett, Jr., 840 N Chodikee Lake Rd, SBL# 79.2-2-3.100 in R1 Zone.**

17 Applicant is requesting an 8' 9" area variance to place a 24' x 12' garage in the front yard.

18 **The Board asked for the exact location of the septic tank and leach field are and the**
19 **measurements from the existing sheds to the property lines for the next meeting.**

20
21 Stout said there are two area variances being considered. One is for the setback of 8'9" and one
22 for placing the structure in the front yard.

23 The applicant was present and provided the ZBA where the septic is on the parcel. He also
24 provided additional pictures of the property.

25 A **Motion** was made by Bill Brown, seconded by Paul Gargiulo to open the public hearing. All
26 ayes.

27 The Board viewed the pictures, discussed the dimensions of the house to the septic and leach
28 field and the topography of the property with the applicant.

29 Litts said there is correspondence to the ZBA concerning the applicant's request from an abutting
30 property owner. He asked Oddo-Kelly to read the letter into the minutes (see attached).

31 There was a discussion on the length and function of the septic, the dimensions of the property in
32 relation to other structures on the property, and the terrain of the parcel.

33 The applicant requested to extend the public hearing in order to take additional measurements of
34 the property.

35 A **Motion** was made by Paul Gargiulo, seconded by Bill Brown to extend the public hearing. All
36 ayes.
37

38 New Business

39 **Budnik, John & Debra, 289 Hurds Rd, SBL# 94.2-1-4.120 in A Zone.**

40 Applicant is seeking an area variance relief of .97 acres to then apply to the Planning Board for
41 an accessory apartment in their detached 28 x 24 sq. ft 2-story building on the parcel.

42
43 Applicants were present to give an overview of the proposed project. The applicant said there
44 is another building on the property that was used as an accessory apartment previously.

45 When he inquired in the building department how it could be used as an accessory apartment for
46 their daughter they were told they first need an area variance in the process of making it a legal
47 accessory apartment.

48 Gargiulo asked if it breaks the threshold.

49 Giangrasso commented on the history of the property and structures. Originally when the
50 building permit was issued for the accessory structure it was for a home occupation on the first
51 floor of the building. The previous owner went ahead and made the entire building of 1300 sq
52 feet an accessory apartment where the code has a maximum of 650 sq feet. He continued that the
53 way the building is now; it does not fall within the legal parameters.

54 The applicant said it would be a simple solution to make the top floor of the building into a 600 sq
55 foot accessory apartment and the first floor could be used just as office space.

56 Stout said according to the code, the accessory apartment must be a secondary use of the
57 secondary structure. Using the downstairs as office space is a permitted accessory use.

58 Giangrasso said the area variance is needed because they fall short of the acreage required.

59 Stout said everything else needed for the proposed project would be for the Planning Board.

60 The applicant believes the proposed project would not change the character of the neighborhood
61 because the structure is already there and there are houses on the street that have existing
62 accessory apartments.

63 A **Motion** was made by Bill Brown, seconded by Alan Hartman to set the public hearing for
64 December 13, 2018. All ayes.

65 Stout asked Giangrasso if any other information was needed for the bottom floor of the building
66 to be used as office space and if it is consistent with the code.

67 Giangrasso said it would have to be something that the house would use and the apartment would
68 be a secondary use.

69 Litts said the primary use would be the office space.

70 Stout said it has to be clear if it's an independent business or home occupation.

71 Litts said the office itself is an acceptable use in the Agricultural Zone.

72 Gargiulo said the office space cannot be rented out to a third party.

73 Litts asked the applicant what the office space would be used for.

74 The applicant responded that he is a software consultant and it would be a home occupation.

75 Stout said they would check the code for any other implications pertaining to that.

76 The Board requested pictures, a survey and a site plan for the next meeting.

77

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

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

81

82 Patti Brooks, applicant's representative, was present to give an overview of the proposed project.
83 She said the project was originally going to be Phase III of the Carly Loop Subdivision so there
84 is only 50 feet of road frontage on Carly Drive because it was anticipated that the road would
85 enter into this property of a proposed 6-8 lot subdivision of the 13.59 acre parcel. The applicant

86 is only interested now in creating one residence for themselves and a separate lot for a single
87 family residence for one of their children. There is only 50 feet of access on Carly Drive. Brooks
88 said she asked the applicant to approach their neighbor to purchase enough road frontage from
89 them in order to have the 125 feet lot width. The adjacent landowner is only willing to convey a
90 50 foot strip and has signed a letter of agent for this. She is working to mitigate the required area
91 variance to the greatest extent possible. The parcel will be in keeping with the character of the
92 neighborhood because there will be two large lots. Lot#1 is considered a flag lot because it only
93 has 25 feet of frontage and only extends back 75 feet and widens to 475 feet. Technically they
94 are two flag lots, but Brooks believes there are mitigating circumstances regarding the two
95 properties and there will be no further subdivision.
96 Stout said just to be clear to the ZBA; it would be subject to Planning Board approval for the
97 dimensions as far as safety aspects. The applicant is in front of the ZBA because for subdivisions
98 of 4 or fewer lots they are limited to one flag lot. This project will create two flag lots which will
99 require an area variance.

100 Being an adjoining property owner, John Litts recused himself, but asked Stout if he could ask
101 questions.

102 Stout said it was fine.

103 Litts asked Brooks where the wetlands were in relation to the property.

104 Brooks said Bill Rhuede was hired to do the engineering but her understanding is that the
105 driveway proposed is outside the limits of the wetland.

106 There was a discussion on as to where the wetlands are, the type of wetlands that are there, and
107 where the proposed driveway would be.

108 Brooks said it would be the role of the Planning Board to determine all the logistics of the project
109 after the ZBA makes its determination of the area variance for the flag lots. One of the lots will
110 be deficient 25 feet; the area variance will be to allow two flag lots.

111 Gilmore commented that they should include the fire as part of the process.

112 Brooks said she would make note of that and said the Planning Board would include that in their
113 determination. Brooks added that she would view the wetland delineations and make sure that
114 they avoid the wetlands in determining the driveway.

115 A **Motion** was made by Paul Gargiulo, seconded by Bill Brown to set the public hearing for
116 December 13, 2018. Four ayes. One recusal.

117

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

119 Applicant is seeking an area variance relief of .08 acres to then apply to the Planning Board for
120 an accessory apartment in their primary residence.

121

122 Applicants were present to give an overview of the proposed project. They explained that they
123 would like to convert a portion of the downstairs of their raised ranch style home into an
124 apartment which has its own entrance. It was formerly a two car garage approximately 40 years
125 ago. The room would measure 440 square feet and would like to make a one person studio
126 apartment out of it. It's already heated, and has access to water. The entire downstairs is already
127 finished.

128 The Board reviewed the map of the property.

129 Litts said the area variance is needed because they fall short of the acreage required.

130 The Board requested pictures of the property for the next meeting.

131 A **Motion** was made by Alan Hartman, seconded by Russ Gilmore to set the public hearing for
132 December 13, 2018. All ayes.

133

134 **Minutes to Approve:**

135

136 A **Motion** was made by Russ Gilmore, seconded by Bill Brown to approve the minutes of the
137 October 11, 2018 ZBA meeting. Four ayes. One Absence (Gargiulo).

138

139 A Motion was made by Alan Hartman, seconded by Bill Brown to adjourn 8:17PM. All ayes.

140

141

142

10-27-18

Dear ZBA

We are writing in regards to the letter received regarding the application for Mr. and Mrs. Vedder and the build of their new garage. We are not against them having a garage to store their car however, we do have a few concerns as to the placement of it on the property. We own the adjoining property as well as two lots across the street. One of which is our residence. The other being future development. Our concern would be the direction of the garage being sideways in the front of the house. The garage would be an obstruction, and the view from our home as well as our other (rental) home would be the back and side of the garage.

We would not be opposed if the garage were turned so the front garage door was facing the road and or set back next to their house.

We hope other options are available than the way it is shown on the sketch.

Sincerely,

Jeffry and Dawn Passante

847 North Chodikee Lake Rd.

A handwritten signature in cursive script, appearing to read "Dawn Passante".

