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ABSENT:

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By:

Rosaria Peplow, Town Clerk

ZBA MEETING MINUTES

TOWN OF LLOYD ZONING BOARD

Thursday, November 9, 2017

CALL TO ORDER TIME: 7:00PM

PLEDGE OF ALLEGIANCE

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

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

New Public Hearings

Pooja, Inc., Rodeway Inn and Suites, 660 Route 299, 87.1-3-2, in R2 zone.

The applicant is seeking a commercial area variance for a fence that has already been installed on his property. The fence was originally erected without a permit but they have now since obtained a permit. Applicant is seeking a commercial area variance because the face side of the fence is directed toward the the applicant's property instead of the abutting property.

Applicant is seeking Area Variance relief from the ZBA.

A **Motion** to open the public hearing was made by John Litts, seconded by Alan Hartman. All ayes.

Charles Meuser, Superintendent of Lloyd Cemetery was present, discussed lot lines and said that he told the applicant he was installing the fence the wrong way.

A discussion was held on what the “wrong side of the fence” looks like.

Herb Litts, member of the Board of Directors for Lloyd Cemetery, said the Town of Lloyd code states that the positive side of the fence should face the neighboring property unless it is proved that there is a hardship. Also, he stated the code says you cannot grant a variance with a hardship that is self-created.

Giangrasso quoted the code which states that the “right side of the fence” needs to face the neighbor.

The Board discussed that if the matter is not resolved it may set a precedence for future fences.

There was a discussion that when the applicant applied for the permit, he asked that the “right side of the fence” face his establishment. He stated that he wanted his patrons to see the more pleasing side of the fence as well as not seeing the trees that were in disrepair which border the cemetery.

41 Meuser discussed “self-created hardships” and how he feels the applicant created his own
42 hardship.
43 Giangrasso discussed the application process, listing every single thing that the applicant needs
44 to address. He told the Board how the fence was installed prior to obtaining the permit.
45 Pavese wanted to have the applicant come back in and address the situation on his own.
46 A **Motion** to close the public hearing was made by Paul Symes, seconded by Alan Hartman. All
47 ayes.
48 Litts said he wanted to table the decision to give the applicant the opportunity to attend the
49 meeting and give him options on what to do with the fence.
50 Symes did not believe that had nothing to do with making a determination at this meeting.
51 Litts agreed.
52 There was a discussion about the applicant putting up a two-sided fence instead of what was
53 previously installed.
54 The Board went through the “balance test” and deemed the project did not comply with the code.
55 Paul Symes said the applicant has two choices. He can either double side the fence or reverse it
56 because there are no other means.
57 A **Motion** was made by Alan Hartman, seconded by John Litts to deny the request for an area
58 variance. All ayes.
59 A **Motion** to approve the minutes of the September 9, 2017 Zoning Board Meeting was made by
60 John Litts, seconded by Paul Symes. All ayes.
61 A **Motion** to adjourn was made by John Litts, seconded by Paul Symes. All ayes. 7:31pm