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By: _____	Rosaria Peplow, Town Clerk
Date: _____	

ZBA MEETING MINUTES
TOWN OF LLOYD ZONING BOARD

Thursday, January 8, 2015

CALL TO ORDER TIME: 7:07pm

PLEDGE OF ALLEGIANCE

ATTENDANCE Present: Anthony Pavese, Peter Paulsen, Alan Hartman, Shari Riley; Code Enforcement Officer
Absent: Paul Gargiulo, John Litts, Tim Marion, Paul Symes

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

Wilson - Sadowski, Stacey; 19 Grove St. Area Variance SBL#88.69-1-17 in R ¼ zone.

The applicant would like an area variance of 3ft. for a 12' x 20' shed. There is a guy wire in the way preventing placement of the shed with the required 5ft. setback.

A letter from Central Hudson is on file stating the new location of this shed is okay as long as the old shed is removed.

The applicant Christopher Sadowski the applicant's husband was present for the meeting.

The Board reviewed the application.

Shari: The applicant has a pre-existing shed, he wants to put a 12' x 20' shed on a different area of his property. For any accessory structure you need to have five foot setbacks. The applicant has a guy pole with a wire in his yard that is blocking him from moving it five feet from the property line. He can not meet this setback because of the guy wire so he is requesting a 3 ft. variance which would put the shed 2 ft. from the property line. He will have a more conforming rear yard setback then what is there now. This setback, we are not as concerned with, though you could put it in your decision just to legalize the whole thing. It is not really part of this request because the shed that is there now is pre-existing and we would honor that setback. When he was here last month the Board asked for additional dimensions and he has given the additional measurements.

Anthony: I had visited the site and what you do not see here is that the existing shed is on a higher hill with a steep downslope on the other side.

Shari: We also have a letter from Central Hudson. One of the concerns was that Central Hudson would have an issue with the easement. They did not have an issue with the new shed but they would like the existing shed to come down so that they would have room on that side of the pole for access. You have that letter in

41 your packet as well. If he received approval the old shed removal would be enforced with the Building
42 Department.

43 Anthony read the public hearing notice as follows:

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45 TO THE EDITOR OF THE OFFICIAL NEWSPAPER:

46
47 New Paltz Times

48 Email: dale@ulsterpublishing.com

49
50
51 THE FOLLOWING LEGAL NOTICE IS TO BE PUBLISHED:

52 WEEK OF: January 1, 2015

53
54 FORWARD PROOF OF PUBLICATION AND ALL BILLS TO:

55 TOWN CLERK, TOWN OF LLOYD
56 TOM SHAY SQUARE, 12 Church Street
57 Highland, New York 12528

58
59 LEGAL NOTICE
60 TOWN OF LLOYD ZONING BOARD OF APPEALS
61 NOTICE OF PUBLIC HEARING
62

63 Notice is hereby given that a Public Hearing will be held by the Town of Lloyd Zoning Board, Ulster County, State of
64 New York, on the application of Stacy Wilson for property at 19 Grove Street. (SBL: 88.69-1-17), Highland NY, 12528,
65 proposing an area variance for a shed.

66
67 The public hearing will take place at the Town of Lloyd Town Hall on Thursday, January 8, 2015, at 7:00PM,
68 or as soon thereafter as may be heard.

69
70
71 _____
72 Date: December 19, 2014

73 Any questions, call (845) 691-2735, Monday through Friday, 8:30am – 4:30pm, or email us at
74 prober@townoflloyd.com

75
76
77 Alan Hartman: Who owns the fence?

78 Mr. Sadowski: It is on the line. It was up when we bought the house.

79 Meghan Borland of 17 Grove St.: I think it is our fence because we have the fence all the way around our
80 property line, but it was put in before I moved there as well.

81 A **Motion** was made to open the public hearing by Anthony Pavese, seconded by Peter Paulsen. All ayes.
82 Bruce Marks of 37 Deller Rd. with Gene Vona of 21 Grove street: (reviewed the sketch) This is not even
83 going near my property. I do not have a problem with that.

84 Meghan Borland: I think that the setback is there for a reason to protect the neighboring properties. I live at
85 the house next door to the right, which would be closest to where the shed is going to be built. Right now
86 there is a lawn and woods. Part of the appeal of our property, even though we have a small lot, is that we have
87 open space behind the house. Also being able to maintain it with only a two foot setback is a concern. I think

88 this will have an effect on our view from our backyard as well as our property. If there was a way to build a
89 smaller project or move it so that it is the five feet from the line or move it to where the existing shed is and
90 still be within the law, I think that is why the zoning law and the setbacks are there in the first place.
91 A letter from Ms. Borland is on file. (see attached)
92 Anthony: What I do see in this letter that was not mentioned is that since there is another option that is within
93 current zoning law mitigates the impact of the neighboring property we do not feel that issuing a variance is
94 warranted. That is a loud spoken statement and I tend to agree with that.
95 Meghan B: A variance should be for an exception that cannot be overcome by changing a project. But this
96 project can be changed and still stay within the zoning law.
97 There was not additional public comment.
98 A **Motion** to close the public hearing was made by Anthony Pavese, seconded by Peter Paulsen. All ayes.
99 Anthony: As we spoke about this last month we did talk about trying to put the shed somewhere else so we
100 would not have to give a variance. Where you want to put the shed the guy wire is in the way. Is there a place
101 where you can put the shed and utilize it as storage shed – yes there is. I think that the public has valid
102 concerns.
103 Mr. Sadowski: The topography of the land does not lend itself to replacing the old shed cost effectively. It is
104 possible, but the cost for a small yard, it doesn't make sense.
105 Anthony: You are looking to increase the size of the shed. You can replace the existing shed with a new one
106 of the same size.
107 Mr. Sadowski: Whoever built that up before, the floor is wood and then they poured some mortar mix on top.
108 The floor is all falling through on that side. It is all hollow underneath.
109 Alan: Where would the shed go if it did not go in the requested corner?
110 Mr. Sadowski: I do not know, maybe I would squash the whole concept for now.
111 Shari: As you are trying to weight this decision, you do have the option to withdraw without prejudice. This
112 means you can come back in front of the Board and revisit this. You would not need a variance at all to put it
113 on the other side of the yard. So instead of them maybe denying the variance you can choose to withdraw right
114 now once this is denied, if that is the way they are leaning, you cannot come back for the same variance.
115 Mr. Sadowski: Whether it is denied or withdrawn makes no difference at all. Either way it will not go there.
116 If I put the shed on the other side 1 ft. from the back and 5 ft. from the other side, I would not need a variance?
117 Shari: Correct. It would just require a building permit.
118 The Board went over the Decision. (See attached)
119 A **Motion** was made to deny this application by Anthony Pavese, seconded by Peter Paulsen. All ayes.
120
121 The applicant was advised to let the Building Dept. know about their open building permit and revised shed
122 plans.
123 A **Motion** to adjourn was made by Alan Hartman, seconded by Anthony Pavese. All ayes. 7:24pm
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