Certification of Receipt

Rosaria Peplow, Town Clerk

Date: \_

By:

# **ZBA MEETING MINUTES**

### TOWN OF LLOYD ZONING BOARD

### Thursday, October 13, 2016

CALL TO ORDER TIME: 7:03 PM

#### PLEDGE OF ALLEGIANCE

Present: Anthony Pavese, Alan Hartman, Elaine Rivera, Anthony Giangrasso; Deputy Building Inspector ATTENDANCE Absent: Peter Paulsen, Paul Symes, John Litts, 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**

#### Space, George and Melissa; 395 South St., Area Variance SBL# 94.2-2-36 in A zone.

The applicant would like to rebuild and expand a garage. The current garage is 12' x 20'. The applicant plans to remove the existing garage and build an attached 20' x 36' garage to the north side of the house, for safe passage and access to stored cars.

- This parcel is a pre-existing non-conforming lot, consisting of .30 acres in the Agricultural Zone where the minimum lot area is 2 acres.
- 24

	REQUIRED	ACTUAL	VARIANCE REQUEST
North side yard	35'	6.5'	28.5'
Total side yard	100'	26.5'	73.5'

- 29 George and Melissa Space were present for the meeting.
- 30 A **Motion** to open the public hearing was made by Anthony Pavese, seconded by Alan Hartman. All ayes.
- There was no public comment. 31
- A Motion to close the public hearing was made by Alan Hartman, seconded by Anthony Pavese. All ayes. 32
- Anthony G: I met with John Marsh, the applicant's builder, today and he revised the plan to show the new 33
- garage addition maintaining the 6.5 setback as requested by the Board at the last ZBA meeting. Also, a pre-34
- 35 existing shed that is over the property line will be taken down. He has the front of the garage parallel to the
- road so aesthetically this will look good. This plan is their proposed plan to maintain the side yard setback. 36
- The Board discussed the new plan and agreed with the changes made. 37
- 38 The Board reviewed the balance of interest test to form their Decision. (See Attached)
- A Motion to grant the area variance was made by Elaine Rivera, seconded by Alan Hartman. 39
- 40 Paul Gargiulo – Absent, Paul Symes – Absent, John Litts – Absent, Alan Hartman – Aye,
- 41 Anthony Pavese – Aye, Alt. Elaine Rivera – Aye, Alt. Peter Paulsen – Absent.

1

## 42 New Business

43

47

## 44 Vedder III, Emmett 840 N Chodikee Lake Rd., Area Variance, SBL#79.2-2-3.100 in R1 zone.

The applicant would like to add an addition on to his home. He is requesting a 4.5 foot variance leaving a 10.5 ft south side yard setback.

48		REQUIRED	ACTUAL	VARIANCE REQUEST
49	Side Yard setback	15'	10.4'	4.6'
50				

- 51 Emmett Vedder III, the applicant, was present for the meeting.
- 52 Emmett Vedder, the applicant's father, was also present for the meeting.
- 53 The applicant informed the Board that he would like to add a one story addition of 312 sq. ft. (12' x 26 ft.)
- 54 which would come 12 ft. off of the existing house.
- 55 Anthony G: The applicant's house is in the R1 zone which requires a minimum 15 ft. side yard setback. The
- applicant is looking for a 4 ft. 6 in. variance leaving a setback of 10 feet 4 inches to the property line. Usually
- 57 something that close to the property line is an accessory structure under 250 sq. ft. in which it could be moved.
- 58 Mr. Vedder: That is the only side of the house which we can come off because there is ledge rock right behind
- 59 the house and the other side of the house is where the septic is. I spoke to our neighbor (Vinny) about this and
- 60 he is fine with it. We owned the house before we sold it to my son.
- 61 Elaine: You said you cannot come off of the back?
- 62 The applicant had a few photos showing the ledge rock that runs along the back of the property.
- 63 Emmett: Vinny has a garage on that side of his property with a lot of pine trees separating us and I have a lot
- of redwood cedar trees on my side. The trees are about five feet inside of our property line. The trees are
- 65 being removed this weekend.
- 66 The applicant informed the Board that he currently has a two bedroom house and has just had his second child
- 67 so they need the additional bedroom.
- 68 Anthony: Is it possible to build up?
- 69 Emmett: Not while we are living in it.
- 70 Mr. Vedder: I went over it all. I am a code enforcement officer and just retired from the County, I went

through this every which way. They cannot move out that is just not an option. At first I wanted lift the roof and add a second floor but it is not cost efficient for them to move out.

- 73 Elaine: Have you explored the option of converting the garage into living space?
- 74 Mr. Vedder: The garage at ground level is lower than the rest of the house so this is where you get your
- 75 drainage. We would like to expand on the little half bath but everything needs to stay on that level.
- 76 Alan: What is the ceiling height in the garage?
- 77 Mr. Vedder: I would say approximately 8, 8 <sup>1</sup>/<sub>2</sub> or 9 feet.
- Alan: Can you build a garage on the other side of the house?
- Mr. Vedder: The septic tank is there and the leach field is in the little bit of yard that they have and on the front side of the house is other part of that ledge, the whole piece of property is ledge.
- front side of the house is other part of that ledge, the whole piece of property is ledge. There are hardware for a 4 G and increases the second still have 10.42 and but side
- Elaine: They are looking for a 4.6' variance so they would still have 10.4' on that side. Does the neighbor have any buildings on the other side of the fence?
- 83 Mr. Vedder: He has an older garage about 8 ft. off of the property line and then trees and then comes the
- 84 fence, which is on the property line.
- 85 The Board reviewed the proposed floor plan and photos.
- 86 The Board requested a photo of the whole back yard, a photo from the corner angle of the yard and a letter
- 87 from the neighbor.

- A Motion to set the public hearing for November 10, 2016 was made by Elaine Rivera, seconded by Anthony
  Pavese. All ayes.
- 90 Paves
- 91 Anthony G: The rock outcropping, is it higher or lower than the existing floor level?
- 92 Mr. Vedder: It is higher. It probably starts at 2 ft. in one corner and goes right on up to 6 or 7 ft. I am
- 93 surprised that they got a full basement in there.
- The Board asked about the garage and the ceiling height, including the attic portion in the garage, figuring about a 10 ft. ceiling height.
- 96 97

99

# 98 Administrative Business

The approval of the September meeting minutes have been postponed until the November meeting. There was
 not a quorum to have a vote.

- 103 A **Motion** to adjourn was made by Elaine Rivera, seconded by Alan Hartman. All ayes 7:45pm
- 104
- 105