

Rec'd
8/13/21
WR

TOWN OF LLOYD ZONING BOARD OF APPEALS

**Resolution Granting Variance to
Sean Williams**

August 12, 2021

WHEREAS, Sean Williams (the "Applicant") has applied to the Town of Lloyd Zoning Board of Appeals ("ZBA") for a side yard setback variance for an addition to his home (the "Project") involving property designated SBL # 88.17-7-8 located at 21 Tillson Avenue in the Town of Lloyd, Ulster County, New York; and

WHEREAS, the Site is located in a R ¼ zoning district designated by the Town of Lloyd Zoning Code (the "Zoning Code"); and

WHEREAS, the Applicant has applied for area variance pursuant to the dimensional requirements of the Zoning Code as follows:

Zoning Code	Permitted	Proposed	Variance Requested
§ 100-13(A) and Dimensional Table	Side Setback – 15'	Side Setback – 12'	Side Setback – 3'

WHEREAS, the ZBA's action on the Applicant's Project is a Type 2 action pursuant to the New York State Environmental Quality Review Act and its implementing regulations in 6 NYCRR Part 617 (collectively, "SEQRA"), so no environmental impact statement will be prepared; and

WHEREAS, the ZBA closed the public hearing on the Applicant's variance request for the Project at its August 12, 2021 regular meeting, after hearing from the Applicant and providing an opportunity for the public to be heard; and

WHEREAS, the applicable standards for reviewing the Applicant's requested variance for the Project are set forth in NYS Town Law § 267-b(3)(b); and

WHEREAS, as required by NYS Town Law § 267-b(3)(b), in making its determination on the Applicant's variance application, the ZBA has applied a balancing test that takes "into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant," and

WHEREAS, in applying the balancing test and standards required by NYS Town Law § 267-b(3)(b) to the Applicant's requested variance, the ZBA makes the following findings:

1. Pursuant to NYS Town Law § 267-b(3)(b)(1), granting the requested variance for the Project would not produce an undesirable change in the character of the neighborhood or a detriment to neighbors.

2. Pursuant to NYS Town Law § 267-b(3)(b)(2), the benefits sought by the Applicant from the Project cannot be achieved in any feasible way without the requested variance.
3. Pursuant to NYS Town Law § 267-b(3)(b)(3), the requested variance is not substantial.
4. Pursuant to NYS Town Law § 267-b(3)(b)(4) granting the requested variance would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. Pursuant to NYS Town Law § 267-b(3)(b)(5), the Applicant's need for the requested variance is a self-created difficulty.

WHEREAS, pursuant to the above findings and NYS Town Law § 267-b(3)(b), the statutory balancing test demonstrates that the detriment to the health, safety and welfare of the neighborhood or community arising from granting the requested variance is outweighed by the benefits to the Applicant of such grant; and

WHEREAS, the ZBA has the authority under Zoning Code § 100-56 and NYS Town Law § 267-b to approve or disapprove the requested variance.

NOW, THEREFORE, BE IT RESOLVED, that based on the Applicant's application and supporting information, including the June 5, 2021 Project plans and the public hearing on the Applicant's variance request, the Applicant's request for a variance for the Project is granted pursuant to NYS Town Law § 267-b(3)(b) and Zoning Code § 100-56; and

BE IT FURTHER RESOLVED, that this variance approval shall run with the land and shall bind any successor in interest to the Applicant; and

BE IT FURTHER RESOLVED, that this resolution shall be filed with the Town of Lloyd Town Clerk within five (5) days of its adoption and a copy sent to the Applicant; and

BE IT FINALLY RESOLVED, that this resolution shall become effective immediately upon its adoption.

Motion By: Paul

Seconded By: Russ

The foregoing resolution was voted upon with all members voting and signing as follows:

John Litts, Chairman	<u>Yes</u>	No	Abstain	Absent	
Paul Garguilo, Vice-Chair	<u>Yes</u>	No	Abstain	Absent	

William Brown	Yes	No	Abstain	Absent	X
Russ Gilmore	(Yes)	No	Abstain	Absent	
Alan Hartman	(Yes)	No	Abstain	Absent	
Shawn Zerafa	(Yes)				

VOTE IS CERTIFIED BY:

Sarah VanNostrand
Sarah VanNostrand, Secretary

8/12/21
Date

THE RESOLUTION IS HEREBY APPROVED AND ORDERED TO THE RECORD BY:

John O. Litts
John Litts, Chair

8/12/21
Date