

## LIVINGSTON ZONING BOARD OF APPEALS

June 02 2015

The Livingston Zoning Board of Appeals held their monthly meeting at the Livingston Town Hall, Livingston New York. The meeting opened at 7:00 pm with the Pledge of Allegiance.

Present:

Charles Schneider  
Stan Yarian  
Robert Fleming  
Charles Dickens  
Sarah Price

CEO Jay Trapp  
Attorney Ted Hilscher

Absent:

Chairman Thomas Alvarez.

Vice-Chairman Charles Schneider conducted the meeting.

The minutes of the May 05 2015 meeting were read and a motion to accept the minutes as read was made by Robert Fleming and 2<sup>nd</sup> by Sarah Price.  
All voted AYE. Motion passed unanimously.

Correspondence: None.

Michael Boote submitted an area variance to be able to build a house on 143-145 Route 19 that does not meet setbacks. A letter of denial was received from CEO Jay Trapp and a \$50.00 application fee was received.

CEO Trapp reports the application is complete for a 2 story 2,800 square foot house that will need about 8 feet from the adjacent parcel on the North and South sides of the parcel and is seeking a variance of 12 feet on each side.

The public hearing opened at 7:05.

Proof of notification to neighbors were received. It was determined that the variance needs only to be 10 feet and to change the application to reflect the change of 12 feet to 10 feet.

Comments from the public.

1. Candice Charson who lives at 139 on the North side of the proposed house.
  - a. Concerned that the house will be too close and higher. 2 stories and 48 feet long. She was able to view the plans and map.

No written correspondence was received concerning this application.

Public hearing closed at 7:21.

The Board considered the 5 following:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. Answer NO.
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance. Answer No other way.
3. Whether the request area variance is substantial. NO minimal.
4. Whether the proposed variance will have an adverse effect or impact in the physical or environmental conditions of the neighborhood or district. NO adverse.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the granting of the area variance? NO a substandard lot.

Attorney Ted Hilscher prepared the short form SEQRA. The Board answered NO to all questions.

A motion to approve a negative declaration for the short form SEQRA as prepared was made by Stanley Yarian and 2<sup>nd</sup> by Charles Dickens. All present voted AYE.

A motion to grant the 10 foot variance as presented was made by Sarah Price and 2<sup>nd</sup> by Charles Dickens. All present voted AYE. Area Variance granted.

An area variance was submitted by Michael Hamilton, Homework Architecture representing Matthew Flynn and Anita Williamson property consisting of 0.289 acres 38 North Shore Road, Elizaville.

A letter was submitted to allow Michael Hamilton represent the owners. CEO Trap reports the application is complete and the \$50.00 application fee was received.

The applicant intends to extend a deck on the residence by 2 feet. The residence is a lawful non-conforming use which was constructed prior to zoning. The applicant is requesting a 12 foot variance the South side facing the lake to be able to extend the deck.

The public hearing opened at 7:40. Proof of notification of neighbors was received.

No comments from the public and no written correspondence was received. Public hearing closed at 7:44.

The Board considered the 5 following:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. Answer NO.
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance. Answer No other way.
3. Whether the request area variance is substantial. NO minimal.

4. Whether the proposed variance will have an adverse effect or impact in the physical or environmental conditions of the neighborhood or district. NO adverse.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the granting of the area variance? NO a pre-existing lot.

Attorney Ted Hilscher prepared the short form SEQRA. The Board answered NO to all questions.

A motion to approve a negative declaration for the short form SEQRA as prepared was made by Charles Dickens and 2<sup>nd</sup> by Stanley Yarian. All present voted AYE.

A motion to grant the 12 foot variance as presented was made by Sarah Price and 2<sup>nd</sup> by Stanley Yarian. All present voted AYE. Area variance granted.

There being no further business before the Board, a motion to adjourn was made by Robert Fleming and 2<sup>nd</sup> by Stanley Yarian. All voted AYE. Motion passed unanimously.

Meeting closed at 7:55.

Respectfully submitted,

Eileen Yandik  
Secretary ZBA