

LIVINGSTON ZONING BOARD OF APPEALS

April 05 2022

The meeting opened at 7:01 p.m. with the Pledge of Allegiance.

Attendance:

Thomas Alvarez
Charles Schneider
Sarah Price
Charles Dickens
Stan Yarian
Zack Feuer

Absent:

Attorney Ted Hilscher

A motion to accept the minutes of the March 10 2022 minutes was made by Charles Schneider and 2nd by Charles Dickens. All present voted AYE.

Correspondence: None.

The Public hearing for Robert Schroepfel a Use Variance for 352 State Rout3 82.LDR-2 3.14 acres. For the operation of Schrep's Trading Post farm and sell firewood and forest products from my sister company STS contracting. The property is presently owned by Peter Schram. Purchase is contingent on the granting of the variance. Hearing opened at 7:05,

William Yandik:

Public Comments in response to application of Robert Schroepfel at 352 State Route 82 from Green Acres Farm, abutting land-owner to north and south.

1. This application is not yet complete and does not yet have a detailed site plan. We request that this public hearing be held open to afford us and others to comment fully on final plans.

2. The applicant lists multiple non-overlapping uses. The town standard is one use per parcel, particularly when a use variance is given. What is the proposed primary single use of this property? Retail store? Contracting business? Firewood business? Food processing and manufacturing? Storage?
3. Both the County Natural Resource Inventory and USDA Soil maps (attached) indicated that the northwestern edge of this property is a wetland and much of the property contains wetland soils. We are concerned with issues of drainage to the north and south should the applicant be permitted to “fill in” this wetland with a “crowned lot.” Water patterns that are altered have consequences. The short SEQRA declaration that proposed actions to fill in this wetland will not affect drainage is false.
4. Similarly, we are concerned with applicant’s expressed intent to “level” and “excavate” adjacent “rock hill.” There is not enough shale on applicant’s property to fill in the wetland mentioned without trucking in significant fill. If applicant intends to mine and level shale ridge to the north we request a survey to determine that property boundary since the vast majority of the “rock hill” referenced in application is our property.
5. The applicant’s plan does not properly reference state Department of Transportation setbacks. There is a sizable road easement far west of the painted fog lines on State Route 82 that needs to be referenced in final site plan.
6. We have concerns that this parcel does not have sufficient soils behind the former Star-Lite Restaurant to enable leach fields for an expanded commercial kitchen as described. Improper construction of leach fields has the potential to impact fields we own to the south that are used to grow food for the public. The property is also a stone’s throw from NYS-protected wetlands. This drainage issues of this property were a problem for the previous owner and restaurant and has contributed this property’s long time on the market. A clearer indication from the applicant about their intended primary use of the property may alleviate this concern and others.

7. Although we are sympathetic to the argument that since the applicant's parcel has been used as a commercial restaurant for decades in the past, its future use should not be limited to LDR, it is factually untrue that "the property does not lend itself to residential use." The parcel size of 3.4 acres is sufficiently large to construct a home and is surrounded by homes. The defined hardship is self-created.

Gina Dell Howard Public comment:

Neighbor across the street. Agreed with the previous comments, concerned about the many uses and the traffic.

Mr. Schroetpel spoke:

Uses:

1. Contractor wood storage yard.
2. Food processing.
3. Retail.
4. Bins for stone etc.,
5. Store equipment.
6. Sell meat.
7. Sell wood and wood products.
8. He is still working on the required paperwork and will return in May.

A motion to keep the hearing open for the May 03 2022 meeting was made by Zack Feuer and 2nd by Sarah Price.

All voted AYE. Motion passed.

Ann Litke 371 County Route 10 submitted an Area Variance to be able to replace a single wide mobile home with a double wide. A letter of denial was received from the CEO Per Table 5.3 Non-Conforming Use of Buildings,

The Board reviewed the application to place a single wide with a double wide, she cannot expand a non-confirming use by more than 50 %, so a variance of 124 feet will be needed. A new site plan was received. The Board deemed the application complete.

A public hearing will be held May 03 2022, 7:04 p.m. To be advertised.

There being no further business a motion to adjourn was made by Zack Feuer and 2nd by Charles Dickens. All present voted Aye. Motion passed.

Meeting closed at 7:45 PM.

The next scheduled meeting is May 03 2022.

Respectfully submitted,

Eileen Yandik, Secretary ZBA