

LIVINGSTON ZONING BOARD OF APPEALS

December 6, 2022

The meeting opened at 7:00 with the Pledge of Allegiance

Attendance:

Thomas Alvarez

Charles Schneider

Sara Price

Stan Yarian

Charles Dickens

Attorney Ted Hilscher

Absent: Zach Feuer

A motion to accept the minutes, with corrections, of the Nov. 1, 2022, meeting was made by Charles Schneider and 2nd by Stan Yarian.

Correspondence: NONE

Kristina Dousharm Architecture PLLC. 30 N. Pine Road, seeking an area variance. Seeks to construct a single family residence with a deck in LDR2. Property is 0.2 acres, a non-conforming lot, with house dimensions of 65' x 38'.

Applicant requests two variances – one from rear yard set back of 40 feet, and one from minimum living area requirement of 700 square feet. Proposed home is 512 square feet in size and 10 feet from rear lot line.

Public Hearing Opened at 7:02 pm.

Zak Hall spoke on behalf of the applicant.

The lot was created in a subdivision from 1951 and predates the Town Zoning Law.

The applicant has provided a letter from Columbia County Department of Health indicating approval of wastewater treatment proposal for site.

There is no house located on the north side of subject parcel. Topo lines on proposed site plan indicate a steep hill rising on the north side of subject parcel which will impede future development of the lot directly to the north.

Rear yard set back variance is desired by applicant so as to save mature trees in front yard.

Deck on rear of proposed house is not to be attached to the house and will be considered a landscaping feature and not part of footprint.

A motion to close the public hearing was made by Sara Price and 2nd by Stan Yarian. Public Hearing closed at 7:45

Ted Hilscher read following from the Town Code Section 6.8(11)(a):

In making its determination, the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighted against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider: (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; (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; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The Board of Appeals, in the granting of area variance, shall grant the minimum variance that it shall deem necessary and adequate and must at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Discussion was had. Charles Schneider believes the granting of a building application for this lot creates a bad precedent because the lot is very small, and sewage will run into the lake. Tom Alvarez referred to the Department of Health approval of the sewage. The rest of the board decided the answer to question number 1 was no. The board decided the answer to question 2 was no. With respect to question number 3 the board decided the rear yard variance is substantial, but the variance from minimum living space was not substantial. The board decided the answer to number 4 was no, while noting Charles Schneider's continued objection. The answer to number 5 Charles Dickens believed was yes regarding the rear yard set back and suggested the applicant cut down trees and move the building toward the street. The other board members decided the answer was no.

Ted Hilscher read the 11 SEQRA questions. All answers were no or small impact.

Motion for negative declaration made by Sara Price and 2nd by Stan Yarian

Vote.

Charles Dickens	Yes
Stan Yarian	Yes
Sarah Price	Yes
Charles Schneider	No

Motion carried

Vote to approve living area variance for the reasons in favor cited above, subject to:

- 1) survey to be done prior to issuance of building permit and
- 2) proof of certified mailing provided.

Charles Dickens Yes

Stan Yarian Yes

Sarah Price Yes

Charles Schneider No

Motion Carried.

Vote to approve rear yard set back NE 30 feet for the reasons in favor cited above, subject to:

- 1) survey to be done prior to issuance of building permit and
- 2) proof of certified mailing provided.

Charles Dickens No

Stan Yarian Yes

Sarah Price Yes

Charles Schneider No

Tom Alvarez Yes

Motion carried.

Rosemary A. Marino-Sterbenz, 10 Lasher Drive, Elizaville, requesting an area variance of 34 feet on the west side for a carport.

A motion to set a public hearing for January, 3, 2023 at 7:02 was made by Sarah Price and 2nd by Stan Yarian.

Patricia Decker, at 34 Lynk Road, seeks an areas variance of 15.9 feet to make a driveway.

A motion to set a public hearing for January, 3, 2023 at 7:04 was made by Sarah Price and 2nd by Stan Yarian.

There being no further business, the meeting was closed at 8:25. A motion to adjourn was made by Sarah Price and 2nd by Charles Dickens.

The next scheduled meeting is January, 3, 2023

Respectfully submitted,

Eileen Yandik