

# LIVINGSTON ZONING BOARD OF APPEALS

June 13 2023

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

Attendance:

Thomas Alvarez

Charles Schneider

Stan Yarian

Sara Price

Attorney Andrew Howard

Absent:

Charles Dickens

David Kimball

A motion to accept the minutes, May 23 2023, meeting was made by Stan Yarian and 2<sup>nd</sup> by Sarah Price. All in favor.

No correspondence.

A motion to open the public hearing for Patricia Decker was made by Sarah Price and 2<sup>nd</sup> by Charles Schneider. All in favor.

7:04 the Public hearing opened for Patricia Decker for an Area variance of 30 feet for a side set back. Notification of neighbors were received. The garage was moved to comply with the required road frontage. No comments from the public or written correspondence was received.

A motion to close the public hearing was made by Sarah Price and 2<sup>nd</sup> by Stan Yarian, All in favor.

Attorney Howard read the following Resolution.

A motion to approve the Resolution was made by Sarah Price and 2<sup>nd</sup> by Charles Schneider. All in favor.

**Town of Livingston Zoning Board of Appeals  
Resolution Granting Area Variance to Decker**

**Date:** Tuesday, June 13, 2023  
**Applicant:** Patricia A. Decker  
**Matter:** Area Variance Application  
**Property:** 34 Lynk Road, Town of Livingston  
**Property ID:** Tax Parcel No. 171--1-23

**WHEREAS:**

1. On May 23, 2023, the Town of Livingston Zoning Board of Appeals ("ZBA") received an application for an area variance regarding property located at 34 Lynk Road, Town of Livingston, New York, bearing tax map number 171--1-23.
2. The Property is located in the LDR-2 Zoning District pursuant to the Town of Livingston Zoning Code.
3. The application seeks an area variance for relief from the side yard set-back requirement of 40 feet set forth in Section 3.3 Schedule of Bulk Regulations set forth in the Livingston Zoning Law, related to an existing garage on the property that is +-10.7 feet from a newly proposed boundary line.
4. The Applicant has submitted the following documents as part of their application: (a) an area variance application; (b) a Short Environmental Assessment Form [EAF]; and (c) survey map showing the garage and the side yard set-back for which relief is sought.
5. At its May 23, 2023 meeting, the ZBA deemed the application substantially complete and set the Public Hearing for June 13, 2023.
6. On June 13, 2023, the Town of Livingston ZBA opened the public hearing and received public comment on the proposed area variance application.
7. The Applicant provided proof of having delivered notice of the public hearing by certified mail, return-receipt-requested to the adjoining property owners as required by section 6.8(8) of the Livingston Zoning Code.
8. The ZBA reviewed the application with the Applicant and duly closed the public hearing.

**NOW, THEREFORE, BE IT RESOLVED AND DETERMINED:**

- A. That the Town of Livingston Zoning Board of Appeals, having considered the application and deliberated thereon, finds that: (1) the proposed variance will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties; (2) the benefit sought by the applicant cannot be achieved by other means; (3) the requested variance is not substantial; (4) the requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood, and; (5) while a self-created hardship, this is not fatal to the area variance application.
- B. That the Town of Livingston Zoning Board of Appeals hereby approves the area variance application as submitted.

Motion to approve made by: Sarah Price  
 Seconded by: Charles Schneider

Roll Call Vote on Resolution:	Aye	Nay	Absent/Abstain
Thomas Alvarez, Chair	<u>✓</u>	<u>_____</u>	<u>_____</u>
Charles Dickens	<u>_____</u>	<u>_____</u>	<u>✓</u>
Sara Price	<u>✓</u>	<u>_____</u>	<u>_____</u>
Charles Schneider	<u>✓</u>	<u>_____</u>	<u>_____</u>
Stan Yarian	<u>✓</u>	<u>_____</u>	<u>_____</u>
David Kimball	<u>_____</u>	<u>_____</u>	<u>✓</u>

SO APPROVED

Thomas Alvarez  
 Thomas Alvarez, Chairperson  
 Livingston Zoning Board of Appeals  
 Dated: June 13, 2023

There being no further business, the meeting was closed at 7:14. A motion to adjourn was made by Stan Yarian and 2<sup>nd</sup> by Sarah Price. All in favor.

The next scheduled meeting is July 11, 2023.

Respectfully submitted,

Eileen Yandik