

# LIVINGSTON ZONING BOARD

**October 10 2023**

The regular meeting of the Livingston Zoning Board was held 10 Oct 2023 and opened at 6:58pm with the Pledge of Allegiance.

In Attendance:

Thomas Alvarez  
Charles Schneider  
Charles Dickens  
Stan Yarian  
Sara Price  
David Kimball  
Attorney Andrew Howard

Absent:

None

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Correspondence: None

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Reading of the September meeting minutes. Motion to accept minutes from 12 Sep 2023 was made by Sarah Price, 2nd by Charles Schneider. All in favor. Motion approved.

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Motion to open the public hearing for ZB-3, an area variance application, was made by Charles Schneider, 2nd by Sarah Price. All in favor, motion approved.

Public hearing is open at 7:05pm.

ELP Solar LLC is seeking an area variance for a setback variance changed from 200' to 199' at 3289 US Route 9 151.-1-4.3. The installed panels encroach upon the 200' setback requirement of the rear and side (right) yard, up to 0.90' feet. Lance Dunning VP Business Development CS Energy introduced himself. Presented application, requesting 1' variance for the project. Phil Massaro discussed the map. It's not stamped by a licensed surveyor and it should be. This project is in a commercial zone, therefore distance should be measured from the center line of the highway. Planning board reviewed the original site plan application a few years ago and

approved the site plan and subdivision on the same night. The approval was incorrect as it wasn't measured correctly. Discussion between the board members and attorney.

The building department has flagged this issue for not meeting the proper setback. If the applicant is to withdraw this variance application, pull the panels back 1', then they would have no reason to be at the ZBA and a CO would have to be issued. How during the public hearing it was missed by the planning board that there is an issue with the boundary line, we can't answer that.

Notification cards are not with them, but they do have them. Attorney recommends we adjourn the public hearing, in order to get the mapped stamped by a LS and provide notification cards. Motion to adjourn the public hearing was made by Stan Yarian, 2nd by Charles Dickens. All present voted AYE. Motion approved. Public hearing adjourned at 7:26pm.

Applicant will return 14 Nov 2023 to continue their public hearing. Further discussion by the applicant Andrew Aubin, regarding what was approved. Responded to comments from previous meeting on 12 Sep 2023.

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Motion to open the public hearing for ZB-6, an area variance application, by Charles Schneider, 2nd by Sarah Price. All present voted AYE. Motion approved.

Public hearing is open at 7:43pm.

Sheila Bridges is presented her area variance application for a fence variance to increase height of stockade fence from 6' to 8' in the patio area ONLY, at 106 County Route 19, 161.-1-28. Sent notification to abutting neighbors. Received letter of support for the fence from an abutting neighbor. Shared with the ZBA. Applicant drew out on the map where the variance for the fence is requested. Question about the smooth side vs rough side not facing the neighbor. Sheila and neighbors discussed and agreed that having the rough side face the neighbor is what was desired by both parties. Provided proof of mailings to neighbors. No additional comments or questions from public.

Motion to close the public hearing was made by Sarah Price, 2nd by Charles Schneider. All present voted AYE. Motion approved. Public hearing closed at 7:49pm.

Attorney Howard shared the prepared resolution.

[Bridges Resolution 20231010](#)

Motion to accept the resolution was made by Sarah Price, 2nd by Stan Yarian. All present voted AYE. Motion approved.

<b>Vote as follows:</b>	
Thomas Alvarez	Aye
Charles Schneider	Aye
Charles Dickens	Aye
Sarah Price	Aye
Stan Yarian	Aye
David Kimball	n/a, did not vote

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Motion to open the public hearing for ZB-5, an area variance application, was made by Charles Schneider, 2nd by Stan Yarian. All present voted AYE. Motion approved.

Public hearing opened at 7:54pm.

Desiree Webber presented her area variance application for variance for the size of an accessory apartment from 800 sqft to 1,084 sqft at 8 Bingham Mills Road 170.-1-37. Received notifications to neighbors. Nothing is being added on to the existing property, just need variance for square footage for accessory apartment use. It is not for rental purposes, only for family use. Questions were asked and answered.

Motion was made to close the public hearing by Sarah Price, 2nd by Stan Yarian. All present voted AYE. Motion approved. Public hearing closed at 7:56pm.

Attorney Howard provided resolution.

[Webber Resolution 20231010](#)

Motion to accept the resolution was made by Sarah Price, 2nd by Charles Schneider. All present voted AYE. Motion approved.

<b>Vote as follows:</b>	
Thomas Alvarez	Aye
Charles Schneider	Aye
Charles Dickens	Aye
Sarah Price	Aye
Stan Yarian	Aye
David Kimball	n/a, did not vote

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Dale Baker presented his area variance application, ZB-7, for outdoor wood boiler setback variance changed from 175' to 90' on sides, per § 4.28(3) of the town zoning code at 2135 County Route 8 Elizaville 182.-1-45.100 He pointed out on the map, where the proposed house and wood boiler will go. Question about house being new construction. Yes, it is in process. Foundation is built.

Motion to schedule for public hearing was made by Charles Schneider, 2nd by Charles Dickens. All present voted AYE. Motion approved. Schedule for public hearing 14 Nov 2023 .

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## **Discussion**

Discussion within the ZBA occurred, regarding printing hard copies off of agenda and meeting minutes. All items are available on the town website and in the new system. Decided, best to keep 2 books up to date.

Motion to only maintain 2 ZBA books was made by Sarah Price, 2nd by Charles Schneider. All in favor, motion approved.

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There being no further business, a motion to close the meeting was made by Sarah Price, 2nd by Stan Yarian. All present voted AYE. Motion passed. Next scheduled meeting will be held 14 Nov 2023.

Meeting closed at 8:10pm.

Respectfully submitted,

Eileen Yandik  
Secretary Livingston Zoning Board