

LIVINGSTON ZONING BOARD

October 08, 2024

The regular meeting of the Livingston Zoning Board was held 08 Oct 2024 and opened at 7:00pm with the Pledge of Allegiance.

In Attendance

Thomas Alvarez (Zoning Board Chair)
Charles Schneider (Zoning Board Vice Chair)
Sarah Price
David Kimball
Jason Munz (Alternate)
Jeremy Steuhl (Zoning Board Secretary)
Andrew Howard (Zoning Board Attorney)

Absent

Charles Dickens

Correspondence

- Update from applicant regarding ZB-14 - Area Variance (Grace Warman). Unable to get a survey done prior to the cutoff for the 08 Oct 2024 agenda. Request to be postponed until the 12 Nov 2024 meeting.
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Participants

- Liz Pulver
 - Richard Livingston
 - Liz Livingston
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Minutes

Meeting started with the Pledge of Allegiance at 7:00pm. Roll call at 7:01pm.

Reading of the 10 Sep 2024 meeting minutes by Jeremy Steuhl. Motion to accept minutes was made by Charles Schneider, 2nd by Jason Munz. All in favor. Motion approved.

Discussed correspondence.

Public Hearing

ZB-17 - Area Variance (Elizabeth Pulver)

- Motion to open the public hearing for application ZB-17 was made by Sarah Price, 2nd by Charles Schneider. All in favor. Motion approved.
- Public hearing opened at 7:10pm.
- Liz Pulver presented an area variance application for front yard setback changed from 50' to 18' 3" per §3.3 of the town zoning code and placement of pool in front of permitted principal use per §4.34 of the town zoning code at 156 Oak Hill Road Hudson, NY 12523 128.-1-16.
- Liz provided mail receipts of notification to abutting neighbors.
- Charles Schneider asked if anything changed since last meeting. Liz said no, nothing has changed.
- Thomas Alvarez reviewed the map.
- No questions from the board.
- Motion to close the public hearing was made by David Kimball, 2nd by Charles Schneider.
- All in favor. Motion approved.
- Public hearing closed at 7:13pm.
- Attorney Howard read the prepared resolution.

[ZB-17 Resolution](#)

- Motion to accept the resolution was made by Sarah Price, 2nd by David Kimball.

Vote as follows:	
Thomas Alvarez	Aye
Charles Schneider	Aye
Charles Dickens	Not present
Sarah Price	Aye
David Kimball	Aye
Jason Munz	Aye

- All in favor. Motion approved.
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Discussion regarding application ZB-14 - Area Variance (Grace Warman). After prior discussion regarding side setback needing a variance. I consulted the CEO again. The CEO referenced § 5.3 (1)(a) NONCONFORMING USE OF BUILDINGS of the Livingston Zoning Code.

§5.3 (1)(a) Any nonconforming pre-existing buildings that would be enlarged on extended or a new building that would be enlarged or increased beyond an extent exceeding 50% of the gross floor areas of the existing building(s) must file an application for a special use permit through the Zoning Board.

- The new garage I believe is much larger than the %50 threshold of the existing garage.
- Attorney Howard talks about §5.2, which talks about non-conforming use of the land. Which is use of land, which means any pre-existing non-conforming use of the land (ie auto shop), you can extend that by up to 50% by right. §5.3 talks about non-conforming use of buildings. §5.4 talks about lots. That would be a lot that maybe didn't meet the acreage. §5.5 talks about non-conforming site development. "Except as provided elsewhere in this law, a structure or element of a site which may be conforming in use (in this case would be interpreted as the garage, since the garage is a conforming use) but does not conform to the height, yard, building coverage, or other dimensional requirements, or to the parking etc". §5.5(1)(a) "No permit shall be issued nor shall any changes be made in such structures, land, or site development that will result in any increase of such nonconformity" which I would interpret as needing a variance for the side yard as well. The garage is a permitted use, even though it's non-conforming due to the side setback. So the 50% rule of §5.3 would not necessarily apply here, but §5.5 would apply.
- Jason Munz asked if the applicant knows that they might need 2 variances. Answer is no, since this was just discovered in discussion with the building inspector.
- Sarah Price asked if we need to have them submit another area variance application. Attorney Howard suggests the board should consider it. The public did come and raise the issue of the side yard setback.
- The question was asked if they wanted to extend the garage, but didn't need the front yard variance and the side setback is still 4' 3", will they need a variance. Attorney Howard said he thinks they would need a side yard variance, since the garage is a permitted use.
- Thomas Alvarez asked if they're moving the new garage off the existing line. Not on the left side yard, but on the right side yard it will be, since the new garage is bigger, and taller than the original garage.
- Thomas Alvarez talked about driving through the twin lakes area and commented on whether this lot is the only one that close to the road etc, and the answer is no, as there are other lots her observed in that neighborhood just as close to the road.
- Jason Munz asked if the offsets are met on the right side. Answer is yes.

- David Kimball said that if they put this garage next to the other garage, they likely wouldn't have this problem, since they would be within all of the required setbacks all around, but that's not the case, since it was added in front of the existing garage.
- Attorney Howard commented that we should wait on getting the new survey to see the true dimensions, then the board can make their decision on moving this application forward.

There being no further business, a motion to adjourn was made by Charles Schneider, 2nd by Jason Munz. All present voted AYE. Motion passed.

Next scheduled meeting will be held 12 Nov 2024.

Meeting closed at 7:45pm.

Respectfully submitted,

Jeremy Steuhl
Secretary Livingston Zoning Board