

# LIVINGSTON ZONING BOARD

**December 10, 2024**

The regular meeting of the Livingston Zoning Board was held 10 Dec 2024 and opened at 7:00pm with the Pledge of Allegiance.

## **In Attendance**

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

## **Absent**

Sarah Price

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## **Participants**

- Dan Meagher
  - Grace Warman
  - Jared Schwartz
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## **Correspondence**

- None
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## **Minutes**

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

Reading of the meeting minutes by Jeremy Steuhl. Motion to accept minutes was made by David Kimball, 2nd by Jason Munz. All in favor. Motion approved.

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## Public Hearings

### ZB-14 - Area Variance (Grace Warman)

An area variance application for front yard setback changed from 40' to 22' per §3.3 of the town zoning code at 49 Shore Drive Elizaville, NY 12523 201.8-2-46.

- Motion to resume the public hearing for application ZB-14 was made by David Kimball, 2nd by Charles Schneider. All in favor. Motion approved.
- Public hearing resumed at 7:04pm.
- Grace Warman provided updates on her area variance application for front yard setback changed from 40' to 22' per §3.3 of the town zoning code at 49 Shore Drive Elizaville, NY 12523 201.8-2-46.
- New map shows 6' 8" setback from property line to the new garage.
- Thomas Alvarez asked if it was asked in the September meeting, why they didn't get a building permit. Jeremy brought up the September meeting minutes and noted that it was discussed during the public comment during the September meeting.
- Two variances need to be considered, one for the side and one for the front, since the new structure is much larger than the existing structure.
- Attorney Howard discussed the variance percentage. It is about a 95% variance for the front and it would be a 79% variance on the side, based on the existing code.
- David Kimball asked if existing code allows for up to 50% expansion. Attorney Howard said yes.
- Charles Dickens asked if building permit was entered. Jeremy answered that yes, it was put in later after the garage was built, once CEO cited them for the garage.
- Thomas Alvarez discussed the environment of Twin Lakes.
- Thomas Alvarez asked if there's any comment from the public.
- Dan Meagher attended to speak on behalf of the residents on 43 Shore Drive.
  - Discussed that the applicant is already violating the ordinance for greater than 12 months.
  - ZBA should treat this as if the building does not exist.
  - Wanted to thank ZBA for requesting a new survey.
  - Wanted to put 6' 8" in context, compared to a standard F150 pickup truck, where they are over 17' 5" in length. Roughly 2-3 times of the setback that they are asking for today. However lake front lots are smaller, this one in particular at the size of roughly 50' by 160' and is located at the base of a large decline.
  - Request for variance is not a result of unique characteristics of the subject property, but of the applicant's lifestyle, where they work on trucks and collect vehicles. Has observed multiple vehicles on said property, with some parked on

the road, with typically 4 vehicles present daily and one of which is a large truck parked on the street.

- It is also common in the Twin Lakes subdivision for owners of lake front property to own other parcels in which garages are built for this reason.
- Concerned about child safety based on the location of the garage compared to the road.
- This could set a bad precedence for the town.
- See's the only remedy is that the structure is demolished and taken down.
- Charles Dickens talked about the existing garage and the new garage that was built. Said 9 days out of 10, there's a vehicle parked out front on the road. Charles Dickens lives near there and has observed in person. Noted that on the map, it says "existing garage". It's existing because it was built before a permit was issued.
- Jason Munz asked if a driveway could be put along side the garage in the front yard to help with the safety issue. Applicant said yes.
- Thomas Alvarez commented if there's a way to hide the garage from the neighbor, like fencing or shrubbery.
- Thomas Alvarez asked to confirm size of garage. Applicant said 20'x20'.
- David Kimball commented that not only is it a safety issue, but a code issue. Talked about coming over the hill and that garage is right there. Comes up on you quick. Especially when there are vehicles there parked on the side of the road. Stated we've had people take structures down in the past, so this is not the first time. Possibly if they went to the CEO first, they could have determined this in the beginning and found a better place to build the garage, however they created their own problem by building the garage without a permit.
- Thomas Alvarez commented that there shouldn't be any parking on the road, even though there is.
- Jason Munz said he's been in the Twin Lakes area multiple times, and it's common to see cars parked on the side of the road in front of many other lots.
- Thomas Alvarez was wondering if the Town has had any additional complaints about parking on the road. That would be a question for the CEO.
- Thomas Alvarez asked about the property line and the space between that and the road. That must be a right-of-way. Yes and Charles Dickens commented that there's a pin on the west side of the property showing the property line. That pin is 6' 8" from the garage, so if they park a vehicle there, it sticks out in the road.
- Charles Schneider does recall in the past, that they've had variances submitted to ZBA where they were denied and had to take down buildings, because they weren't approved to be built. This whole scenario is based on violation after violation. We have to treat it like the building is not even there.
- Dan Meagher commented that this is a self-created hardship.
- Charles Schneider stated that they only have 26' 8" setback from the original garage, which is already non-conforming, because it's less than the 40' setback already on the books. Thomas Alvarez said that a lot of the buildings down there in Twin Lakes are non-conforming. Charles Schneider said yes, most of which existing before zoning. Unfortunately, we have to start somewhere.

- Thomas Alvarez asked if additional comment from the board. No additional questions.
- Motion to close the public hearing was made by Charles Schneider, 2nd by David Kimball. All in favor, motion approved.
- Public hearing closed at 7:23pm.
- Attorney Howard commented we've heard from the public and the hearing is closed and now this rests with the board's decision.
  - He read part of the resolution provided.

ZB-14 Resolution

- Jason Munz does not think it negatively impacts the character of the neighborhood. Thomas Alvarez stated that is debatable.
- Attorney Howard distributed a resolution as a means of deliberation for the board to discuss. Read through the resolution with the board.
- Thomas Alvarez asked if the board had any questions on that proposed resolution to deny the variance.
- Motion to accept the resolution to deny the application was made by Charles Schneider, 2nd by David Kimball.
- Roll call vote proceeded.

<b>Vote as follows:</b>	
Thomas Alvarez	Aye
Charles Schneider	Aye
Charles Dickens	Aye
Sarah Price	Absent
David Kimball	Aye
Jason Munz	Nay

- By vote of 4 Aye to 1 Nay, application ZB-14 area variance has been denied.

ZB-20 - Area Variance (Jared Schwartz)

An area variance application for side yard setback changed from 40' to 30' per §3.3 of the town zoning code, to build a deck at 123 Willowbrook Rd 161.-1-33.220.

- Motion to open the public hearing for application ZB-20 was made by Jason Munz, 2nd by David Kimball.
- All in favor. Motion approved.

- Public hearing opened at 7:33pm.
- Jared Schwartz presented an area variance application for side yard setback changed from 40' to 30' per §3.3 of the town zoning code, to build a deck at 123 Willowbrook Rd 161.-1-33.220.
- Applicant provided certified mail receipts.
- Thomas Alvarez asked if there is comment from the public. No comment.
- Thomas Alvarez asked if the board had any questions. David Kimball asked about the CO. Jared has not looked into it since the last meeting. Attorney Howard commented that the applicant might want to look into that with the building department. That will help them in the future if they want to do anything.
- The board looked at the map. Applicant will need a 10' setback variance.
- Charles Schneider motioned to close public hearing, David Kimball 2nd.
- All in favor. Motion approved.
- Public hearing closed at 7:36pm.
- Attorney Howard provided a resolution for the area variance.

ZB-20 Resolution

- Motion to accept the resolution was made by Charles Schneider, 2nd by David Kimball.
- Roll call vote proceeded.

<b>Vote as follows:</b>	
Thomas Alvarez	Aye
Charles Schneider	Aye
Charles Dickens	Aye
Sarah Price	Absent
David Kimball	Aye
Jason Munz	Aye

- All in favor. Motion approved.

**General Discussion**

Thomas Alvarez, on behalf of the ZBA, thanks Charles Schneider for service to zoning board for all of the years he has served. Charles Schneider has had over 65 years of service to the town and has been on the ZBA since zoning was implemented.

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

Next scheduled meeting will be held 14 Jan 2025.

Meeting closed at 7:43pm.

Respectfully submitted,

Jeremy Steuhl  
Secretary Livingston Zoning Board

DRAFT