

**LIVINGSTON ZONING BOARD OF APPEALS**

**December 06, 2017**

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

Attendance:

- Chairman Thomas Alvarez
- Charles Schneider
- Stan Yarian
- Robert Fleming
- Charles Dickens

CEO Jay Trapp

Attorney Ted Hilscher.

Absent: Sarah Price.

The minutes of the November 1, 2016 meeting were read and a motion to accept the minutes as read was made by Charles Schneider and 2<sup>nd</sup> by Charles Dickens. All present voted AYE. Motion passed unanimously.

The public hearing for an application by Jeffrey Gannon and Jennifer Merschdorf. The property that is the subject of the application is located at 135 County Route 19, Livingston, New York. The applicants seek an area variance which would permit them to build a side yard fence eight feet high opened at 7:05.

Notification to neighbors were submitted.

No comments from the public or any written comments concerning this application were received.

The Board reviewed 4.11 Fences and Walls in the Zoning Book.

The code is for a 6 foot fence Mr. Gannon requested that it be 8 feet on the side by the existing Town Hall parking lot. Cars park on their property, he has owned the property for 10 years.

Mr. Gannon would erect the fence 8 feet to the edge of the house then 4 feet to the road.

The Board inquired if he could plant trees as it would be better to absorb the noise and would meet code. Mr. Gannon replied that there was no room for trees. He has spent time and money fixing up the house and wants privacy and for the house to look nice. Space is limited.

The Public hearing closed at 7:31.

The Board then in making its determination asked the following:

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. Answer

Charles Dickens	No
Robert Fleming	Yes
Stanley Yarian	No
Charles Schneider	Yes

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. Answer

Charles Dickens	Yes
Robert Fleming	Yes
Stanley Yarian	Yes
Charles Schneider	Yes

3. Whether the request area variance is substantial.

Charles Dickens	Yes
Robert Fleming	Yes
Stanley Yarian	No
Charles Schneider	Yes

4. Whether the proposed variance will have an adverse effect or impact in the physical or environmental conditions of the neighborhood or district.

Charles Dickens	Yes
Robert Fleming	Yes
Stan Yarian	No
Charles Schneider	No Comment

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the granting of the area variance?

Charles Dickens	No Comment
Robert Fleming	Yes
Stan Yarian	No
Charles Schneider	Yes.

Attorney Hilscher prepared the short form SEQRA. The Board answered NO to all questions.

A motion to approve a negative declaration was made by Charles Schneider and 2<sup>nd</sup> by Robert Fleming. All present voted AYE.

A motion to approve the application as presented was made by Stan Yarian and 2<sup>nd</sup> by Charles Dickens.

Charles Dickens	No
Robert Fleming	No
Stan Yarian	Yes
Charles Schneider	No

Area variance has been denied.

A letter will be sent to the Town Board for an update on the ECHO (elderly housing).

There being no further business before the Board, a motion to adjourn was made by Charles Schneider and 2<sup>nd</sup> by Charles Dickens. All present voted AYE.

Motion passed unanimously. Meeting closed at 8:45.

Respectfully submitted

Eileen Yandik  
Secretary ZBA