

## LIVINGSTON ZONING BOARD OF APPEALS

March 07 2017

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

Attendance:

Chairman Thomas Alvarez  
Stan Yarian  
Robert Fleming  
Charles Dickens  
Sarah Price.

Attorney Ted Hilscher.

Absent:

Charles Schneider

The minutes of the December 06, 2016 meeting were read and a motion to accept the minutes as read with corrections was made by Robert Fleming and 2<sup>nd</sup> by Sarah Price. All present voted AYE.

Motion passed unanimously.

Correspondence:

Received a letter from CEO Trapp on February 18, 2017 Mr. Brugna was denied a Building Permit for 1471 County Route 19, Elizaville in the Town of Livingston for expansion of non-conforming use, and inability to meet setbacks.

Anthony Brugna submitted an area variance application as the Pre-existing deck and staircase was replaced without appropriate approve before construction was completed. Fee paid.

Received a survey map dated 1926. Mr. Brugna is replacing an existing deck with one that is larger and his neighbor Ed is upset that he built it bigger. Part of the project encroaches 4 inches on his neighbors land. A variance cannot be granted if all the project is not on the applicant's land.

It was suggested to do a land swap, take it down or sell the neighbor the land. Mr. Brugna contacted a real estate office and got a price on the land but Ed does not want to buy it.

Mr. Brugna realized he needed a permit and contacted CEO Trapp for a variance. He states it is not out of character of the neighborhood and wanted to make the existing deck safer. The new deck is 14 feet wide and the exact measurement of the old deck is in question.

Attorney Hilscher suggested that a possible solution may be to cut 4" off the west side or a boundary line agreement.

There was much discussion of a garage on his property that belongs to the neighbor but that was pre-existing and not part of this application.

Mr. Brugna will return to the April meeting with the measurements of the old deck as the Board needs to know the exact footage needed for the variance and if the matter of the part of the deck being on his neighbors land can be satisfied.

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

Motion passed unanimously. Meeting closed at 8:15.

Respectfully submitted

Eileen Yandik  
Secretary ZBA