

LIVINGSTON ZONING BOARD OF APPEALS

September 05, 2017

The meeting opened at 7:05 pm with the Pledge of Allegiance.

Attendance:

Chairman Thomas Alvarez
Charles Schneider
Stan Yarian
Robert Fleming
Charles Dickens
Sarah Price.
Attorney Ted Hilscher.
CEO Jay Trapp

The minutes of the August 05 2017 meeting were read and a motion to accept the minutes was made by Stan Yarian and 2nd by Charles Dickens. All present voted AYE.
Motion passed unanimously.

Correspondence: None.

The Public hearing for Attorney Kristal Heinz representing CR10 Arts, LLC. Seeking a variance to operate a commercial event venue in an area less the 500 feet in distance from adjacent owners' property and another variance to maintain vehicle parking at said commercial even venue less the 100 feet in distance form adjacent owners' property lines. Property located 283 County Route 10 consisting of 3.17 acres opened at 7:10.

Attorney Krystle submitted the notification of neighbors and the application for the parking variance. An overview of the variances were presented. They will need a 40 foot variance for the parking and a 411 foot variance for the building.

The Arts center is currently leased to the Frank Institute Inc. They are seeking the variance for the commercial use only.

Public comments:

1. A letter was received from Wayne Raymond in favor of this application.
2. Angela Somma 307 Cemetery Road spoke against this application. Parking has occurred on her Mothers adjacent property.
3. Joyce Witt asked if it was zoned for commercial use. Where is the law on this? Against this application.
4. Lisa Scrodin does not want to see it opened to weddings or parties. Noise and parking is an issue. Against this application.
5. Michael Scrodin is concerned about allowing it now and then sold what new owner will be allowed to do. Against this application.

6. Paul Jahns the Livingston Fire Chief reports this is a change of use resulting in many new fire codes that will have to be enforced, many violation noted. Asked if the CEO has inspected the building. CEO Trapp replied he has not inspected the building.

Krystle reports that the owner has been there for 5 years and never had a problem. It has always been a nonprofit venue.

Attorney Hilscher reminded everyone that this is an application before the ZBA and is a variance on parking and the existing building only. The Planning Board has the say on the use. That will be the next step for this application if approved.

The use of the Art Gallery may need a special use permit.

Stan Yarian has requested the members do an onsite visit they will not go as a group but on their own as time allows.

It was decided to keep the hearing open to allow the applicant to submit a more detailed site plan showing the location and number of cars for the parking area.

A motion to keep the hearing open was made by Charles Schneider and 2nd by Charles Dickens. All present voted AYE. Motion passed.

The Public hearing for John and Katie Hardy seeks an area variance to build a structure less than 10 feet from the adjacent owners' property line. Property located 145 County Route 19. After much discussion he would ask for 5 feet. Opened at 7:45.

Notifications from neighbors received.

Public comments:

1. Adam Thorson next door neighbor for 14 years has no problem with the shed. In favor of this application.
2. No written comments were received for this application.

The Hardy's would like to replace an old shed that was removed and place a new 10 x 12 foot one 5 feet from the boundary line on his substandard lot.

The public hearing closed at 8:00.

The board discussed the distance the 10 x 12 foot building be from the boundary line as follows:

1. Sarah Price a 3 foot variance to be able to maintain the building without encroaching on the neighbors land.
2. Charles dickens 3 feet.
3. Charles Schneider 1 foot.
4. Stan Yarian 3 feet.
5. Thomas Alvarez 3 feet.

Therefore the variance will be 7 feet.

The Board considered the 5 following questions and answered as follows:

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 No. To replace one that was removed.
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 No.
3. Whether the request area variance is substantial. No. Smaller than the original size.
4. Whether the proposed variance will have an adverse effect or impact in the physical or environmental conditions of the neighborhood or district. No. Shed replacing an old eyesore. Improvement to the neighborhood.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the granting of the area variance? No. Substandard lot.

All members present voted No. Unanimous. Motion made by Sarah Price and 2nd by Charles Schneider.

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

A motion to approve a negative declaration was made by Sarah Price and 2nd by Stan Yarian. All present voted AYE.

A motion to approve the 7 foot variance for a 10 x 12 foot building as Follows.

1. Sarah Price Yes.
2. Charles Dickens Yes.
3. Stan Yarian Yes.
4. Charles Schneider Yes.

Motion carried.

Stan Yarian inquired if there is any new information on the Air B & B?

It will be addressed.

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

Motion passed unanimously. Meeting closed at 8:20.

Next scheduled meeting will be held October 03, 2017.

Respectfully submitted

Eileen Yandik
Secretary ZBA