

LIVINGSTON ZONING BOARD OF APPEALS

May 02 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
Sarah Price.

Attorney Ted Hilscher.
CEO Jay Trapp

The minutes of the April 04, 2017 meeting were read and a motion to accept the minutes as read was made by Stan Yarian and 2nd by Charles Dickens. All present voted AYE.
Motion passed unanimously.

Correspondence: None.

The application for Robert Brugna continued an area variance application as the pre-existing deck and staircase was replaced without appropriate approval before construction was completed. Fee paid.

The public hearing for Mr. Brugna an area variance opened at 7:14.

Received notification receipts and letters to the neighbors.

The following residents made comments at the public hearing

Mary P. Esposito: 2802 East 28th St., Brooklyn, NY

- Cited medical issues and responded that she could not traverse steep steps. New steps required for her mobility.

Ed Schollmeier: 21 Summerside Ave, Elizaville, NY

- Submitted several pictures (before and after present deck construction). Concerned about property rights and privacy. Cites that no deck existed previously but did have a landing for a stair case and that several trees were cut down for deck construction. Seeks proper enforcement of existing town laws. (A copy of written submitted comments on file at town hall).

Carly Schollmeier: 21 Summerside Ave, Elizaville, NY

- Cites that applicant began construction without town permission

Gerda Dropp: 26 Honor Road, Elizaville, NY

- Remarked that construction should not occur in the town without proper application and permission. Concerned about privacy.

Robert Brugna: 22 Summerside Ave, Elizaville, NY

- Submitted written comments (on file at town hall). Admitted that he began construction without proper permit but argues details of case warrants area variance. Suggested possible amendments to deck. Commented that he had discussions with neighbors about deck project prior to construction. Commented that he is now seeking proper application with town CEO office.

Ed Gabriels: 115 Mill Road, Germantown, NY

In favor to approve the application.

LDR2 has a 20 foot set back requirement.

The Board discussed ARTICLE V from the Livingston Zoning Book.

5.5 NONCONFORMING SITE DEVELOPMENT

1. Except as provided elsewhere in this law, a structure or element of a site which may be conforming in use but does not conform to the height, yard, building coverage, or other dimensional requirements, or to the parking, landscaping, buffering, sign, lighting, drainage, or other site plan standards or supplementary regulations of this law shall be allowed to remain provided that :
 - 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, and
 - B. The nonconformity shall not constitute a hazard to public health and safety.

Stan Yarian asked if the neighbors can use the deck.

1. Acrimony between neighbors.
2. Would like to see it resolved.

Thomas Alvarez saw that there is 3 problems.

1. No permit was granted.
2. Set backs are needed.
3. Built larger the 50% of the original structure.

Robert Fleming.

1. Had the applicant come prior to building we would have avoided this problem as you would have been advised of the size allowed.
2. No variance amount given for setbacks.

Charles Dickens.

1. Afraid to set a precedent.
2. Looks good built well but bigger than any other on either side of the lakes.
3. Not comfortable for rewarding someone who has not complied with the law.

Sarah Price.

1. Neighbor conflict.
2. Size is not compatible with the law.
3. Built without a permit.

The board requested that the builder of the deck appear and report to the board the size of the original structure that he removed.

It was discovered that there was an Association for this side of the lake. Charles Dickens will attempt to locate the person in charge so as to get their opinion of this application.

The hearing will remain open for Mr. Brugna to return with the carpenter (builder) and information on exact placement of the structure and the setbacks needed clearly drawn on his map.

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

Motion passed unanimously. Meeting closed at 8:32.

Next scheduled meeting will be held June 06 2017.

Respectfully submitted

Eileen Yandik
Secretary ZBA