

LIVINGSTON ZONING BOARD OF APPEALS

October 03, 2017

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

Attendance:

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

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

Correspondence: None.

The Public hearing continued with, 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.

Attorney Krystle submitted an updated site plan.

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

Public comments:

1. Joyce Witt received the wrong numbers (190 feet from Boundary) in the letter received informing her of this application. Concerned that the law follow 4.7 Commercial venue on page 41 be enforced. Attorney Hilscher stated in general the building is the general event area.
2. Paul Jahns stated it needs to go to the Planning Board not the ZBA. Attorney Hilscher explained that it needs a variance in order to be heard by the Planning Board.
3. Angela Somma 307 Cemetery Road spoke for her Mother who lives on the corner and is against the application.
4. Stan Yarian asked if the Art Gallery has a valid permit.
5. Paul Jahns stated it is for public use and needs to be up to code.
6. Councilman Kelly McDonald noted it is the intent of the Town Laws to protect neighbors and all codes should be followed. Boundary lines are for a reason especially the zoning law of 500 feet.

7. John Somma said the Art studio is okay but is concerned that weddings will be late at night and noise from the music and other venues can be noisy.
8. Lisa Scrodin asked why it was renovated without being done in the proper channels. Everyone else has to follow the rules.

The Public hearing closed at 7:40.

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 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 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 No.
3. Whether the request area variance is substantial. Yes.
4. Whether the proposed variance will have an adverse effect or impact in the physical or environmental conditions of the neighborhood or district. Yes.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the granting of the area variance? Yes.

All members present voted the same. Unanimous for each question.

Attorney Hilscher prepared the short form SEQRA.

Part 2 Impact assessment.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? Yes.
2. Will the proposed action result in a change on the use or intensity of use of land. Yes.
3. Will the proposed action impair the character or quality of the existing community? Yes.
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a critical Environmental Area (CEA)? No.
5. Will the proposed action result in an adverse change in the existing level of traffic or affect the existing infrastructure for mass transit, biking or walk way? Yes.
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities. No.
7. Will the proposed action impact existing:
 - a. Public / private water supplies?
 - b. Public / private wastewater treatment utilities? NO
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? NO.
9. waterbodies, groundwater, air quality, flora and fauna? NO.
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? No.
11. Will the proposed action create a hazard to environmental resources or human health? No.

The Livingston Zoning Board will be Lead Agency.

Attorney Hilscher will prepare part 3.

The Board will vote on this application at the November 14 2017 meeting.

New Business:

The Zoning Board thanks Robert Fleming for his dedicated service while serving on the Board.

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

Motion passed unanimously. Meeting closed at 7:55.

Next scheduled meeting will be held November 14, 2017.

Respectfully submitted

Eileen Yandik
Secretary ZBA