

LIVINGSTON ZONING BOARD OF APPEALS

June 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
Sarah Price.

CEO Jay Trapp

Absent: Attorney Ted Hilscher.

The minutes of the May 02, 2017 meeting were read and a motion to accept the minutes as read was made by Charles Dickens and 2nd by Stan Yarian. 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 continued for Mr. Brugna an area variance

Ed Schollmeier: 21 Summerside Ave, Elizaville, NY

Submitted several pictures of the old deck, down loaded a copy of Open Sky Training showing that Ed Gabriele is a coach and Mr. Brugna will be renting the property for weekend training. Renting this property is not an issue for this application.
(A copy of written submitted comments on file at town hall).

A letter was received from WGB Carpentry dated May 05 2017 William G. Burhans III stating he completed work in November 2016 for Mr. Brugna at 1471 County Route 19 Elizaville, NY . At that time he removed an old deck, measuring approximately 10' x 10' and a 12' x 3' stair case.

Charles Dickens reported that there is no one available for the Association on the North Lake. Upon looking at the pictures of the old deck it was assumed that it was 8' wide 6 ½' deep. Possible 8' x 8'.

Much discussion was done concerning which part of the deck was in question the upper or lower. Mr. Brugna wishes to calculate both top and bottom and stairs in order to have more square

footage to increase by 50%. If he removed 60' on the lower deck would it be in compliance? Non-conforming pre-existing structures are not eligible for a 50% increase. It was determined that the top only was in question for this application.

Josh Kowan Neighbor on the other side reports the old deck was not 10' x 10'. The deck is 4" over Josh's line. LDR2 has a 20 foot set back requirement.

The Board again 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.

The Board was concerned that the letter from the contractor was not accurate, pictures submitted showed the original deck to be smaller. Neighbor conflict, size is not compatible with the law and built without a permit. The Board will take article 5.5 under consideration and has the power to make a decision if no agreement is forth coming.

It was suggested that the neighbors get together themselves to come to some sort of compromise.

Mr. Brugna says he meant no malice. He spent thousands of dollars and does not want to take it down.

Due to the 4th of July holiday the next meeting will be July 11 2017 at 7:00.

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 8:25.

Next scheduled meeting will be held July 11 2017.

Respectfully submitted

Eileen Yandik
Secretary ZBA