

# TOWN OF LIBERTY ZONING BOARD MINUTES JANUARY 15, 2008

## MEMBERS PRESENT:

Thomas Sprague, Chairman  
George Pellam  
Denise Birmingham  
Don Nichols  
Tracy Merklin

## ABSENT:

## ALSO PRESENT:

Walter F. Garigliano, Town Attorney  
Mark Van Etten, Code Enforcement Officer  
See attached sign in sheet

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## **CHAIRMAN SPRAGUE THE MEETING TO ORDER AT 7:10 PM.**

### **Zalkin Associates II**

Area Variance  
Fishman  
SBL 6-1-23.1  
Zone: RD

Mr. Zalkin appeared for this project. He said he wanted to keep his natural fence as is and not have to erect a fence. Attorney Garigliano read the pertinent sections 93 D and 93 E from the Town Code as follows:

93 D "The plan shall comply with the requirements applicable to new junkyards to the maximum extent practical and shall include provisions for screening of the view of the junkyard from adjacent property as well as the public highway. An eight-foot high fence or dense screening, etc., along the side and rear boundaries of the property adequate to discourage the entrance of children or others into the area and to contain, with such fence, all materials in which the owner or operator deals shall be required unless physical circumstances would make such fencing wholly impractical."

93 E. "All fencing must be approved by the Town of Liberty Planning Board and generally must consist of dense evergreen screening of no less than eight feet in height. The Town Board shall be responsible for taking measures, including securing injunctive relief, to ensure maintenance of such fencing or screening."

Board member Don Nichols asked if the property dropped off steeply at the property line at the back of the property. Mr. Zalkin said no, that it was fields, which were owned by Mr. Daniel ("Whitey"). Board member Denise said that she thought they might have to get a topographical map on this project.

Attorney Garigliano asked Mr. Zalkin to fill out his application a bit more fully for clarity. Don Nichols asked what Mr. Zalkin's time table was. Mr. Zalkin said it was subject to market conditions. Attorney Garigliano asked if he had anything new coming in or just the old stock. Mr. Zalkin said he was just getting rid of the old stock and not taking in anything new. A further discussion was held about the project with regard to esthetics, snow plowing issues, what a natural fence consists of and how long Mr. Zalkin would be in business. The point was brought up that perhaps the fencing code could be waived if Mr. Zalkin could give a reasonable timeline as to when he would be done with his business. Mr. Zalkin is to telephone the Secretary of the Zoning Board of Appeals with such a timeline. The project will then be sent to the Town Planner, Tom Shepstone for review with this possible waiver of fencing code issue along with the documentation.

**ON A MOTION BY GEORGE PELLAM, SECONDED BY DON NICHOLS, THE ZONING BOARD WILL HOLD A PUBLIC HEARING ON THIS PROJECT FOR FEBRUARY 19, 2008. A VOTE WAS TAKEN – 5 AYES, 0 NO'S. ALL IN FAVOR, APPROVED.**

**ON A MOTION BY DON NICHOLS, SECONDED BY GEORGE PELLAM, THE MEETING WAS ADJOURNED. ALL IN FAVOR. THE MEETIN WAS ADJOURNED AT 8:00 PM.**

**APPROVED \_\_\_\_\_ N. Saucier**