

**TOWN OF LIBERTY  
ZONING BOARD MINUTES  
JANUARY 25, 2011**

**MEMBERS PRESENT:**

Thomas Sprague  
George Pellam  
Peter Belgard  
Tracy Merklin  
Gene Burns, Alternate

**ABSENT:**

Don Nichols  
Walter Garigliano, Town Attorney

**ALSO PRESENT:**

Mark Van Etten, CEO

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**CHAIRMAN THOMAS SPRAGUE CALLED THE MEETING TO ORDER AT 7:03 PM.**

**PUBLIC HEARING:**

**James & Anthony Lodato**  
Area Variance  
160 Sunset Lake Road  
SBL: 30.-1-103  
Zone: RD #Z-2010-0003

Chairman Thomas Sprague asked if there were any members from the public who wished to ask questions or offer their opinion.

No one spoke.

Chairman Sprague began to ask for a motion to close the public hearing.

Attorney Thomas J. Cawley asked Chairman Sprague which matter they were discussing, as he had just walked in as Chairman Sprague started to speak. Chairman Sprague told him it was the Lodato project. Mr. Cawley said he represented the Sullivan County Legislature requesting that the area variance be denied because of the visual impact of a building in close proximity to the Sullivan County Veteran's Cemetery and citing it will negatively affect the solemnity and honor upon the veterans interred at the cemetery and that it would have a negative effect upon families and friends visiting the cemetery. He also mentioned the possibility of excess noise from parties coming from the residence during funeral services at the cemetery.

Allen Wright a resident of 181 Sunset Lake Road asked for clarification to see if he understood Mr. Cawley's client's position correctly. Once he understood, he said that all the while he's lived at his residence, he's never had to be concerned about "noise from a party" or any other disturbance to the cemetery and felt that the opposition to the area variance was "frivolous".

No other public comment was given.

**ON A MOTION MADE BY PETER BELGARD SECONDED BY GEORGE PELLAM THE PUBLIC HEARING WAS CLOSED. ALL IN FAVOR. APPROVED.**

**OLD BUSINESS:**

**Eva Schwimmer**  
Area Variance  
245 Ferndale – Swan Lake Road  
Unit # 49  
SBL: 41.-1-9.8  
Zone: RD #Z-2010-0002

Randy Wasson appeared for this project. After a short discussion it was determined that the 239 review was received from County Planning saying it was a matter for local determination. It was then determined that the Board needed to do SEQR.

CHAIRMAN SPRAGUE READ SEQR.

**MOTION BY PETER BELGARD SECONDED BY GEORGE PELLAM A NEGATIVE DECLARATION WAS DECLARED. ALL IN FAVOR, APPROVED.**

**ON A MOTION BY PETER BELGARD, SECONDED BY TRACY MERKLIN, THE AREA VARIANCE WAS GRANTED BY RESOLUTION. A VOTE WAS TAKEN AS FOLLOWS;**

**PETER BELGARD = YES  
GEORGE PELLAM = YES  
TRACY MERKLIN = YES  
GENE BURNS = YES**

**ALL IN FAVOR, APPROVED.**

**ON A MOTION BY GEORGE PELLAM SECONDED BY PETER BELGARD, THE MINUTES FOR THE DECEMBER 7<sup>TH</sup> AND DECEMBER 21<sup>ST</sup> MEETINGS WERE APPROVED.**

**ON A MOTION BY GEORGE PELLAM SECONDED BY TRACY MERKLIN, THE MEETING WAS ADJOURNED AT 7:45 PM.**

Respectfully submitted,  
Nancy Saucier, Planning Board Secretary

The foregoing represents unapproved minutes of the Town of Liberty's Zoning Board from a meeting held on January 25, 2011 are not to be construed as the final official minutes until so approved.

  X   Approved as read