

**TOWN OF LIBERTY
ZONING BOARD MINUTES
MARCH 18, 2008**

MEMBERS PRESENT:

Thomas Sprague, Chairman
George Pellam
Denise Birmingham
Tracy Merklin

ABSENT:

Don Nichols

ALSO PRESENT:

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

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

PUBLIC HEARING:

Zalkin Associates II

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

Chairman Sprague asked if there were any members of the public who wish to appear. No one appeared. There was, however, a letter from a neighbor, Edmund A. Schwesinger, Jr. along with Daniel Schwesinger, Alan Daniel and Margaret Daniel with concerns about a fence closing off their access to their property. The letter was noted and put in the file.

ON A MOTION BY GEORGE PELLAM, SECONDED BY DENISE BIRMINGHAM, THE PUBLIC HEARING WAS CLOSED.

Mr. Zalkin appeared for this project. It was noted that the review from the Town Planner, Tom Shepstone has not arrived. Attorney Garigliano read the SEQR into the minutes. He said it would be a coordinated review of the fence only, the Planning Board will do the remainder.

MOTION WAS MADE BY DENISE BIRMINGHAM, SECONDED BY GEORGE PELLAM FOR NEGATIVE DECLARATION ON SEQR. ALL IN FAVOR. APPROVED.

A short discussion was held and it was determined that this project should be sent to County Planning for 239 review. Mr. Shepstone will also be contacted to be sure the Zoning Board receives his review in time for the next scheduled Zoning Board meeting on April 15th.

Herman Laufer
Area Variance
160 Sullivan Avenue
SBL 29.-3-7.2
Zone: IC

Attorney Gary Silver and Herman Laufer appeared for this project. Gary Silver spoke regarding the project stating that the addition would be no closer to the road than the neighboring parcels building and gave examples of the Federal Credit Union and WVOS. He said he did an analysis of 267(b) and its five factors and that this project would be classified as a type II. He also said according to 1675 (C. – 12) no environmental review is required. Attorney Garigliano said it made a prime facie case and that the Zoning Board could go ahead and schedule a public hearing and send this project to County Planning for a 239 review.

ON A MOTION BY GEORGE PELLAM, SECONDED BY DENISE BIRMINGHAM, THE ZONING BOARD WILL HOLD A PUBLIC HEARING ON THIS PROJECT FOR APRIL 15, 2008. A VOTE WAS TAKEN – 4 AYES, 0 NO’S. ALL IN FAVOR, APPROVED.

A short discussion was held. Member, Denise Birmingham expressed concern that the area was congested. It was mentioned that if the Zoning Board approved the variance, the Planning Board would demand information on traffic congestion. Mr. Laufer was asked to put a stake in the ground in the north-easterly corner of the proposed addition area and perhaps one more for visualization purposes for Saturday the 29th so that the Board members could have a chance to see where the proposed addition would be placed before the April 15th meeting. He agreed to do so. Mr. Laufer said the driveway would be elevated and blacktopped when completed.

Green Hills Estates
Subdivision
State Route 55
SBL 36-1-59 / 40-1-12.1

Attorney Garigliano explained to the Board that this project would need to come before the Zoning Board and apply for an area variance, due to the closeness of the buildings that are being erected. If they can get an application and the fees into the office by the 1st of April, they can be put on the agenda for a public hearing if the Zoning Board agrees.

ON A MOTION BY TRACY MERKLIN, SECONDED BY GEORGE PELLAM, THE ZONING BOARD WILL HOLD A PUBLIC HEARING ON THIS PROJECT FOR APRIL 15, 2008 PROVIDING THE APPLICATION AND FEES ARE IN PLACE. A VOTE WAS TAKEN – 4 AYES, 0 NO’S. ALL IN FAVOR, APPROVED.

ON A MOTION BY GEORGE PELLAM, SECONDED BY DENISE BIRMINGHAM, THE MEETING WAS ADJOURNED. ALL IN FAVOR. THE MEETING WAS ADJOURNED AT 8:10 PM.

APPROVED _____ N. Saucier