

TOWN OF LIBERTY ZONING BOARD MINUTES APRIL 15, 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:

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

Randy Wasson explains that the Planning Board approved the site plan on this project in November of 2006 for 108 residential units / 54 2-family units. They are already under construction with building permits issued by the Code Enforcement Officer on the East side of Route 55. He explained that a question arose during the building permit process about the separation of the units and the decks and that originally they had them the 2-family units at 20 feet apart and they were being built that way with entries on the sides and an L-shaped deck in the back. After a work session with the Planning Board they have eliminated six buildings/ 12 units and removed their foundations and have changed the shape of the decks to 10 feet. He said they were looking for an interpretation on side yards and decks. Attorney Garigliano said that only the Code Enforcement Officer can ask for interpretations. Randy Wasson said that some of the sections quoted at the work session were for multiple dwellings. Attorney Garigliano said that rather than interpret, if they got a variance, they should get what they want. Based on that meeting, the Planning Board recommended a variance if applicant moves the 6 buildings/12 units to another spot, then the variance should pass. A short discussion was held wherein Attorney Garigliano also described the Sewer District Lines and the fact that they wanted to get the buildings/units inside the line. Attorney Garigliano said that when speaking to the Town Supervisor, John Schmidt, Town Supervisor Schmidt said he would contact the DEC so the line can be moved. The applicants are now waiting for a letter from the DEC. Chairman Spague if the variance was only for 10 buildings. Attorney Garigliano said yes, but they may be back when they start the other sections of the project. Applicant representative, Eli Ravitz said they will do the other side in the same configuration if the Sewer District Line moves.

ON A MOTION BY TRACY MERKLIN, SECONDED BY GEORGE PELLAM, THE PUBLIC HEARING WAS CLOSED.

Zalkin Associates II

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

Attorney Garigliano said that Mr. Zalkin would not be appearing for this project, but that they could discuss it in his absence with Mr. Zalkin's permission. The 239 review from County Planning and the review from Town Planner, Tom Shepstone have been received, distributed and read by the Board members. It was discussed that there should be a five-year amortization date starting in March of 2008. Attorney Garigliano said he would have a resolution prepared which would include the Planning Board establishing a 5-year date.

MOTION WAS MADE BY GEORGE PELLAM, SECONDED BY DENISE BIRMINGHAM APPROVING THE AREA VARIANCE. A VOTE WAS TAKEN, 4 AYES – 0 NO'S. ALL IN FAVOR. APPROVED.

Herman Laufer

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

Attorney Garigliano informed the Board that Mr. Laufer has withdrawn his application.

Green Hills Estates

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After a short discussion wherein the Code Enforcement Officer mentioned the enclosure over the outer doors, it was decided that this project would need to come before the Zoning Board once more since the Board is now sending this project for a 239 review by County Planning. They will appear again on May 20th.

ON A MOTION BY GEORGE PELLAM, SECONDED BY TRACY MERKLIN, THE MEETING WAS ADJOURNED. ALL IN FAVOR. THE MEETING WAS ADJOURNED AT 8:00 PM.

APPROVED _____ N. Saucier