

**TOWN OF LIBERTY
ZONING BOARD MINUTES
May 21, 2013**

MEMBERS PRESENT:

Don Nichols, Acting Chairman
Tracey Merklin
George Pellam
Gene Burns
Robert Werlau, Alternate
Kyle Farrand, Alternate

CHAIRMAN:

Thomas Sprague, Chairman

ALSO PRESENT:

Walter Garigliano, Town Attorney
Mark Van Etten, CEO
See attached sign in sheet

ACTING CHAIRMAN NICHOLS CALLED THE MEETING TO ORDER AT 7:01 PM.

ON A MOTION MADE BY TRACEY MERKLIN AND SECONDED BY GEORGE PELLAM, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR APRIL 16, 2013. ALL IN FAVOR, APPROVED.

Donald & Jeanne Tulp
Area Variance
76 Old Loomis Road
SBL: 26.-1-54
Zone: R-1 #Z-2013-0002

10 certified notices were mailed, 8 green cards back and 2 outstanding.

Acting Chairman Nichols opens the public portion of the meeting. No one is present from the public.

No written or verbal comments were received.

ON A MOTION MADE BY TRACEY MERKLIN, SECONDED BY GEORGE PELLAM, THE PUBLIC IS HEARING IS CLOSED. ALL IN FAVOR, APPROVED.

Terry Kelly, Engineer and Mr. & Mrs. Tulp appeared for this matter. Mr. Kelly explains that Mr. & Mrs. Tulp currently own a non-conforming bed & breakfast business and to make it a conforming use they need to do a two lot subdivision. Mr. Kelly explains that the lot consists of 1.77 acres in which they would like to split. Attorney Garigliano advises that there are 6 criteria under zoning that need to be considered for an area variance.

There was discussion regarding the criteria and it was determined that the applicant either needs to meet the 6 criteria or request a zone change from the Town Board.

Ben Rosen
Use Variance
4839 State Route 55
SBL: 44.-1-15.1
Zone: R-1 #Z2013-0003

John Theodore, Attorney and Ben Rosen appeared for this matter. Mr. Theodore explains to the Board that his client purchased a home that was set up as a three family home. Mr. Theodore explains that in 2011 it was discovered that the prior owner had illegally converted the residence into a three family home in which he was violated by the CEO and was made to remove the sink and stove from the third apartment. The CEO did a compliance inspection and found the residence to now be compliance. Once the inspection was complete the prior owner went ahead and put the sink and stove back in the unit creating an illegal three family home again to be sold to Mr. Rosen. After purchasing the home it was discovered by the Town that the home was again an illegal three family home, since then Mr. Rosen has removed the sink and the stove. Mr. Theodore explains that Mr. Rosen now has a two family home in which he is losing money on every month. Mr. Theodore explains that the home is assessed as a three family home and that Mr. Rosen has paid taxes on a three family home when in reality he now only has a two family home.

After a brief discussion it was determined that this matter will be scheduled for a public hearing at the June meeting.

Edwards Allees / Inge Grafe-Kieklak

Use Variance

16 Blume Road

SBL: 36.-1-143

Zone: IC #Z2013-0004

Mr. Allees and Ms. Grafe-Kieklak appeared for this matter. Mr. Allees explains to the Board that he owns a one family home on Blume Road and that he received a special use permit to convert the home into an Antique Store some years ago. Mr. Allees explains that since doing so the store did not do well and that he now would like to convert the structure back into a one family home but the recent Zone change in 2011 does not allow him to do so. Mr. Allees advises that the home is one of three houses in a row that were all built around the 1920's, all with the same plan. Currently two out of the three houses are used as residential and his structure sits vacant because it cannot be used as residential. Mr. Allees advises the Board that he is paying taxes and water charges on a vacant structure. Mr. Allees explains that he has had offers to sell the structure in the past but has had the offers turned down once the proposed buyers have found out that it cannot be used as residential.

After a brief discussion it was determined that if Mr. Allees submitted an affidavit this matter will be scheduled for a public hearing at the June meeting.

**ON A MOTION BY GEORGE PELLAM, SECONDED BY ROBERT WERLAU,
THE MEETING WAS ADJOURNED AT 7:45 P.M.**

Respectfully submitted,
Tammy Wilson, Zoning Board Secretary

The foregoing represents unapproved minutes of the Town of Liberty's Zoning Board from a meeting held on May 21, 2013 are not to be construed as the final official minutes until so approved.

___ Approved as read