

**TOWN OF LIBERTY
ZONING BOARD MINUTES
JUNE 17, 2008**

MEMBERS PRESENT:

Thomas Sprague
Don Nichols
George Pellam
Denise Birmingham
Tracy Merklin

ABSENT:

ALSO PRESENT:

Mark Van Etten, Code Enforcement Officer, Randy Wasson, Engineer

CHAIRMAN SPRAGUE CALLED THE MEETING TO ORDER AT 7:05 PM.

PUBLIC HEARING:

Werner Colony Holdings LLC
Area Variance
County Route 15 / State Route 55
SBL 46.-1-6 & 7.1
Zone: RS/RD

14 notices were sent, 11 received back.

Chairman asked if there was anyone from the public wishing to speak or ask questions.

No one appeared.

Randy Wasson appeared for this project. He explained that due to the fact that three units that are located in the RD zone cannot be served by the sewer district, they are asking for an Area Variance to correct this issue.

The 239 review was received from the County. They recommended a local determination with a recommendation of placing a conservation easement or deed restriction to guarantee the remainder of the parcel stays undeveloped. Denise Birmingham asked for clarification on the site plan. Tracy Merklin asked if this was being done for convenience. The answer was yes. Mark Van Etten asked what the distance was between the buildings and what the footprint of the buildings was. On the site plan the buildings were 20 feet apart and 23 wide by 31 long. After a short discussion with the Board, Randy said he saw no problem placing the buildings 40 feet apart or with a "forever wild" restriction on the back portion of the parcel. Denise Birmingham said that since the Comprehensive Plan and the Zoning Committee is working on making changes to the zoning at some point, at this time she felt the Board should work with what they have and that this project would be too dense under the present zoning. Chairman Sprague said the Comprehensive Plan and the Zoning Committee will address new zoning created hardships. A short discussion ensued.

Don Nichols said if the buildings were spread out to have 40 feet between each one and the back RD zoned part of the parcel was restricted to be "forever wild" with some sort of conservation restriction that should be good and the Board could grant the variance with those recommendations to the Planning Board.

ON MOTION MADE BY DON NICHOLS AND SECONDED BY TRACY MERKLIN, THE AREA VARIANCE ON WERNER COLONY HOLDINGS LLC WAS APPROVED WITH THE RECOMMENDATION TO THE PLANNING BOARD THAT THE BUILDINGS BE 40 FEET APART AND THE BACK PART OF THE PARCEL IN THE RD ZONE BE PLACED UNDER A CONSERVATION "FOREVER WILD" RESTRICTION. MOTION APPROVED. VOTE: 4 YES – 1 NO.

**Thomas Sprague - Yes
George Pellam – Yes
Don Nichols – Yes
Tracy Merklin – Yes
Denise Birmingham - No**

ON A MOTION BY GEORGE PELLAM, SECONDED BY DON NICHOLS, THE MEETING WAS ADJOURNED AT 7:30 PM.

APPROVED _____ N. Saucier