

**TOWN OF LIBERTY
ZONING BOARD MINUTES
JULY 15, 2008**

MEMBERS PRESENT:

Thomas Sprague
Don Nichols
George Pellam
Tracy Merklin

ABSENT:

Denise Birmingham

ALSO PRESENT:

Walter Garigliano, Town Attorney; Mark Van Etten, Code Enforcement Officer

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

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

Attorney Garigliano read the SEQR into the minutes.

**ON A MOTION MADE BY DON NICHOLS AND SECONDED BY GEORGE PELLAM
NEGATIVE DECLARATION WAS DECLARED ON SEQR. ALL IN FAVOR.
APPROVED.**

The 239 review was received at the June meeting and reviewed by Attorney Garigliano at this meeting. The County Planning 239 review stated that this was a matter for local determination.

**ON MOTION MADE BY GEORGE PELLAM 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 – Absent

ON MOTION MADE BY DON NICHOLS AND SECONDED BY TRACY MERKLIN, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR MAY 20, 2008; MAY 27, 2008 AND JUNE 17, 2008.

Circle C Cabins
Area Variance
Rte 52
SBL 35.-2-14.1
Zone: RD

Christopher Campiglia appeared for this project. He explained that he wished to place a 9,800 square foot cabin on wheels manufacturing plant behind the sewer treatment plant on his property. After discussion with the Planning Board members, it was decided that Mr. Campiglia should come before the Zoning Board of Appeals to see about an area variance.

He said he would like to do this to keep his employees working year round. Chairman Sprague asked if the allowable 5,000 square feet wouldn't be enough? Mr. Campiglia said no it wouldn't as he planned to have a large building with the manufacturing part running down the center 35 feet with the outside 20 feet areas having garages with overhead doors which would supply the electrical, plumbing, welding, insulation, etc. for the center manufacturing aisle. Attorney Garigliano asked what zone this was in. Mr. Campiglia said it was RD – Rural Development with SC – Service Commercial in front and it sits 1,250 feet from Route 52 in the rear of the Loomis water treatment plant.

Attorney Garigliano had all of Mr. Campiglia's former files with him. He explained to Mr. Campiglia that the application that was approved in 1996 and never acted upon has expired. With regard to the application to put up an arcade and food center he asked if they were in use. Mr. Campiglia said the food was not in use as yet as the Town did not give him a sewer hook up. He recently spoke with the Town Supervisor, John Schmidt and Mr. Schmidt has spoken with Albert of the Water Department and they have agreed to give him use of the sewer for nine months of the year. Attorney Garigliano said that the DEC's restriction at the time of the application has since been resolved.

Mr. Campiglia said the go-kart track he previously wanted to put in turned out to not be "economical". He has been looking for another source of income and believes that this cabin manufacturing would be it and would also place several of the cabins to rent on the property. Attorney Garigliano asked him how many camp ground lots he had previously shown on earlier project maps. Mr. Campiglia said 65 remote and 31 full service camping spots. They would be on the 11 acres and the driving range would be gone.

It was again mentioned about the former approved application "Walnut Mountain Ranch" driving range in 1996 where the arcade only is in use and other proposals not acted on. It was also discussed that the Planning Board suggested that he would now need an area variance for this project and that the entire Zoning Board of Appeals has a problem with the driveway and that would be an issue to be brought before the Town Board. Mr. Campiglia said he wanted to use the right-of-way to the treatment plant as he owns the road. He wants to keep the availability of the paint ball, the golf range and t-ball and maintain them until something else comes available and that if there is money to be made it is waiting to be seen.

Attorney Garigliano advised Mr. Campiglia to have an affidavit done and submitted to the Zoning Board of Appeals which could then be further submitted by the Zoning Board of Appeals along with a request for 239 review by County Planning.

The question was raised about the 10 employee limit and the storage issue. These should also be addressed in the affidavit. Mr. Campiglia was advised that perhaps his attorney, Jay Zeiger could help him do his affidavit as Mr. Zeiger is aware of the five things that the Zoning Board needs to see in such an affidavit. He was also advised to put in an application on the 10 employee issue to be heard at the next meeting on August 19, 2008.

Attorney Garigliano asked Mr. Campiglia if there was not another property in the Town of Liberty where he could place this manufacturing plant. Mr. Campiglia said no, that he owns this property, pays a mortgage and taxes on this property so he wants to do it here.

ON A MOTION BY DON NICHOLS SECONDED BY GEORGE PELLAM IT WAS DETERMINED TO HAVE A PUBLIC HEARING ON CIRCLE C CABINS WITH REGARD TO THE AREA VARIANCE FOR BOTH THE 9,800 SQUARE FOOT BUILDING AND THE 10 EMPLOYEE LIMIT ON AUGUST 19, 2008. ALL IN FAVOR. APPROVED.

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

APPROVED _____ N. Saucier