

**TOWN OF LIBERTY
ZONING BOARD MINUTES
AUGUST 16, 2011**

MEMBERS PRESENT:

Thomas Sprague
George Pellam
Don Nichols
Peter Belgard
Tracy Merklin
Gene Burns, Alternate

ABSENT:

Walter Garigliano, Town Attorney

ALSO PRESENT:

Mark Van Etten, CEO

CHAIRMAN THOMAS SPRAGUE CALLED THE MEETING TO ORDER AT 7:00 PM.

NEW BUSINESS:

Russell Reeves
Use Variance
33 Castle Hill Road
SBL: 13.-1-33.5
Zone: RD #Z-2011-0002

Russell Reeves appeared for this project. He explained that he has a residence and business in Liberty. He stated that he inherited the property from his mother in 2008 and brought pictures showing the property and how it is in a rural setting with trees and vegetation surrounding it. The pictures were passed around to the Board members and placed in the Zoning file. Chairman Sprague said that after this meeting a public hearing would be held in September on this issue. Russell Reeves said that in 1984 a building permit was granted to build a storage building and in the 1980's apartments were done after contacting the then Building Inspector, Phil Mullen who gave them a verbal okay and approval to do the apartments. He said it was like a handshake deal. He said in the early 2000's a wrong C/O was issued for a storage building instead of a two-family. He then produced a letter from previous Building Inspector, Pam Winters to all Board members dated August 15, 2011, wherein she explained that she'd issued the wrong C/O and that she believed that the two buildings in question were legal, non-conforming and should be allowed to remain as such. A copy of the letter is in the file.

Russell Reeves said in 2008 he updated and upgraded the apartments and that in 2010 he'd spoken with the Building Inspector about violations which concerned the septic system at the time. He'd contacted the engineer, Wes Illing and had him test the system. A letter from Wes Illing dated October 22, 2010 and a Septic Certification were passed around to the Board members stating that the septic was in good working order with no visible signs of failure. A copy of both the letter and certification are in the file. Russell Reeves said he believed the paperwork slipped through the cracks and he is hoping the Board can help him correct it and let the apartments continue as they are rented out to good, positive tenants. Peter Belgard said he was looking at the Real Property Transfer Report from January 2008 and noticed that the property classification on it was listed as 210 which is single family residence. Russell Reeves said that at the time of the transfer, he did not read the papers, he just signed them at his lawyers office due to the fact that his mother was so ill at the time.

Chairman Sprague asked what upgrades were done. Russell Reeves said he'd sheet-rocked the ceilings, did some carpentry and painted. Chairman Sprague asked if it was just general maintenance then. Russell Reeves said yes.

Mark Van Etten spoke. He asked Russell Reeves when the garage was constructed. Russell Reeves said the late 1980's. Mark Van Etten said he believed Phil Mullen was Building Inspector before the 1980's and that after 1988 there should have been paperwork and that all approvals were good for only two years. He said that before April 11, 2011 multiple and two-family houses were okay in the RD zone, but now they were not allowed. He said he spoke with Pam Winters about this issue and she told him she had no knowledge except what was in the file. Mark Van Etten said that use should be made of the legal process to get a variance and then proceed to the Planning Board.

Chairman Sprague said that we would see where we go legally at the next meeting when counsel was in attendance and that he would entertain a motion for a public hearing.

ON A MOTION BY DON NICHOLS, SECONDED BY TRACY MERKLIN, A PUBLIC HEARING WILL BE HELD ON SEPTEMBER 20, 2011. ALL IN FAVOR, APPROVED.

ON A MOTION BY DON NICHOLS SECONDED BY PETER BELGARD, THE MEETING WAS ADJOURNED AT 7:45 P.M.

Respectfully submitted,
Nancy Saucier, Planning Board Secretary

The foregoing represents unapproved minutes of the Town of Liberty's Zoning Board from a meeting held on August 16, 2011 are not to be construed as the final official minutes until so approved.

 X Approved as read