

TOWN OF LIBERTY ZONING BOARD MINUTES SEPTEMBER 15, 2009

MEMBERS PRESENT:

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

ABSENT:

Tracy Merklin
Walter Garigliano, Town Attorney

ALSO PRESENT:

Mark Van Etten, CEO

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

Loomis Village Mobile Park

Area Variance
187 Loomis Road
SBL 35.-1-32.2
Zone: RS

Paul Murphy appeared for this project.

Chairman Sprague: This meeting is in reference to an Area Variance and I'll let Paul explain it. Here's the map if you want to use it.

Paul Murphy: All the home pads are identified and they're all 14X70 or 14X60 units. The one that is blank is known as #12 it's also known as 197 Loomis Road. It was a 14X56 and it was a fire loss in 2005. It took quite some time to get the tenant evicted and they were placed outside the park and evicted before I purchased the park with my wife in December of 2008. I have a 14X60 unit that's in inventory and that's on a 14X70 pad and everything bigger is better, cars and mobile homes and 14X56's are very hard to come by. So what I want to do is take my 14X60, put it on the empty pad and I have a prospective tenant who has a 14X70 to move in on the other pad and I also actually was looking at a 14X70 to purchase, but since the whole time frame with the application, I've lost the deal on that. So what I'm looking to do is just put a 14X60 pad on there, move my unit that's in inventory over there and hopefully get another tenant in there before the snow flies and the holidays when people don't want to move. And that's why we're here tonight. I don't feel that it changes the look or aspect or affect anything in the neighborhood, but that's my feeling and that's why I'm here tonight for you folks to hear your opinion on what the Law was. I understand Mark's position about replacing the exact thing, but sometimes the exact thing is not easily remedied. So basically that's why I'm here tonight.

Chairman Sprague: Any questions?

George Pellam: I don't understand the whole deal. Why he can't move TAPE UNCLEAR is that what the story is?

Mark Van Etten: He had a 14X56 home in there that had burned out. According to Code, I believe, I was just checking the numbers I had in my memory. Is it should be 40 feet I believe to any, 40 to 45 feet comes to mind to any interior private roadway to the home. None of the homes meet that standard in that park because it's a pre-existing, non-conforming park. As I may agree with what Paul just said, as Code, there are numbers in the Code book which state that have to be followed. And it's not my position to say that, to just give a variance by just issuing a Building Permit. That's why we're here. I may closely agree with Paul but at the same time I am not effected that liberty to just issue a permit based on something that's in Code.

Paul Murphy: And I understand that request and obviously I respect your wishes, I'm here tonight and basically just looking to move forward.

Don Nichols: The front of the pads are staying parallel with each other right? Then the four foot extension would be in the back?

Paul Murphy: Actually, it would be two and two between the one on the corner and the 14X70 which is the third one down. So if they're not going to protrude, no one would ever know the difference.

Chairman Sprague: It's not going to go any further than this one here?

Paul Murphy: No.

George Pellam: Where's the 70 footer? This is the 70 footer here?

Paul Murphy: Yup.

George Pellam: Is it one of these trailers your moving in here? Where does this trailer go?

Paul Murphy: The one on the other side of the building known as the firehouse, number five in sequence known as 7 Murphy Lane.

George Pellam: This one?

Don Nichols: Nope the one finger is on George.

George Pellam: Okay, this is the one you're going to put up here?

Paul Murphy: Yes.

George Pellam: Now is that, are you going to put anything back in there?

Paul Murphy: A 14X70, the pad is already there. It's already in and done. I wouldn't be back for another application for a pad. This is just basically was a 60 that was available, but the pad's a 70. The 60 was a mobile home that was a mobile home that was available at the time the previous owner put on there. And as I said, I own that particular unit and just want to move it over here and get a 70 in there. Because the 70's are readily available.

Gene Burns: So the line on Loomis Road would be the same as the two that are already there?

Paul Murphy: Yeah

Peter Belgard: I was originally under the impression that the four feet was going to come out towards Loomis Road. Is that an error on my part? Or did I get that from...

George Pellam: Didn't you say it was going to be two foot from either end?

Paul Murphy: Two feet on either end but they kind of line up.

Peter Belgard: I was going to ask if it could go out the back towards the private road because it seems like it would line up better if were to. I'm happy with that.

Mark Van Etten: I'm sorry I misspoke, it was 35 feet from the nearest right-of-way or a public highway. It's 35 feet.

Chairman Sprague: None of those meet that anyway.

George Pellam: Well nothing in that park could adhere. But...

Paul Murphy: That's why I said previously. Going back to the privatization of Loomis Village, with the firehouse being private and not showing up anyway, this was actually built for the staff of the hospital, nurses quarters. And at that time, you know the kind that you saw Lucy and Ethel towing across the United States.

A short discussion was held as to who lived in what trailer years ago and the mailboxes.

Paul Murphy: My dad owned it since 1983 and Inga and I bought it in December of 2008. Basically we just want to continue in business and bring it up to the income level I need to sustain life up there.

George Pellam: How many are on pad?

Paul Murphy: There's a mix. I believe seven have pads.

Inga Murphy: So if they pull them out, we have to replace them.

Paul Murphy: It's my requirement.

George Pellam: So you have to put down a concrete pad.

Chairman Sprague: There's no concrete pad there now?

Paul Murphy: No, it's shale.

Chairman Sprague: Okay, when you said extend it I thought there was already one there, you just extended it.

Paul Murphy: We're extending the replacement unit, but in the permit that I have in the engineer plans and I'm going to use Parksville Homes to do that.

Peter Belgard: You're going to dig out what's there?

Paul Murphy: We're going to basically dig out what's there and push what's back and put in a six inch pad.

George Pellam: Is there a concrete pad back here where you can put a 70 footer?

Paul Murphy: Yes. It's a short trailer on a long pad.

Mark Van Etten: The only other question I had and I didn't look, my fault, was the deck. I know they're kind of tight in width wise. Are they going to be able to meet the setbacks with the deck over here. Twenty-five feet from any adjacent TAPE UNCLEAR

Don Nichols: From the deck or the trailer itself?

Mark Van Etten: They were calling what we've been doing is decks, from deck to deck. The only exception was an open deck. If you were going to put any kind of TAPE UNCLEAR

Paul Murphy: Again as you had said, nothing conforms to Section 100 and no the decking won't conform as well.

Mark Van Etten: That's why while we're doing the process I wanted it pointed out all at once so that we don't come to a problem later on.

Paul Murphy: Twenty-four and three quarters between each.

Don Nichols: And it requires 25?

Mark Van Etten: Yes.

Don Nichols: A quarter inch !

Paul Murphy: That's basically what it is. If it were 8X40

George Pellam: Even the one in the back there that's pretty close to the firehouse. Is that 25 feet away?

Paul Murphy: No.

Chairman Sprague: Very close. It's still where it used to be.

TAPE UNCLEAR

Don Nichols: We have to have a public hearing so I'll make a motion to have a public hearing next month.

Chairman Sprague: Okay. Do I have a second for that?

George Pellam: I second.

Chairman Sprague: Motion and second for a public hearing. Discussion?
All in favor

A MOTION WAS MADE BY DON NICHOLS AND SECONDED BY GEORGE, TO SCHEDULE A PUBLIC HEARING ON OCTOBER 20, 2009. ALL IN FAVOR. APPROVED.

Chairman Sprague: A public hearing will be?

Nancy Saucier: Third Tuesday of next month.

Chairman Sprague: The twentieth.

A short discussion was held as to what Paul Murphy would need for the public hearing.

Paul Murphy: In regard to a public hearing. What would stop this from happening?

Chairman Sprague: Not once it's approved. It doesn't have to go to the County because we're not close enough to any County highway or park or anything. And once we're done. We've got so many days. Within 62 days of the public hearing we need to make a decision. Which normally we do it that night and within five days of that the Clerk will mail you something.

Paul Murphy: Then my building permit good to go, I was hoping, I mean it's another 35, I was hoping to have a, you know to remedy the situation tonight, I thought maybe the Board could possibly....

Chairman Sprague: We have to have a public hearing.

Paul Murphy: I understand.

Chairman Sprague: Any everyone is going to get noticed within 500 feet that this is going on and give them the opportunity to come down and place their concerns if they have any. The only other thing that Mark just mentioned and it might not be a bad idea, is get exact dimensions between these two with the decks involved.

Paul Murphy: What's the Code requirement for a deck only, minimum?

Mark Van Etten: It is the swing of the door, a foot wider than the door.

Chairman Sprague: Can I have a motion to adjourn?

ON A MOTION BY DON NICHOLS, SECONDED BY GEORGE PELLAM, THE MEETING WAS ADJOURNED AT 7:25 PM.

APPROVED _____ N. Saucier