

**TOWN OF LIBERTY  
ZONING BOARD MINUTES  
SEPTEMBER 20, 2011**

**MEMBERS PRESENT:**

Thomas Sprague  
George Pellam  
Don Nichols  
Gene Burns, Alternate

**ABSENT:**

Walter Garigliano, Town Attorney  
Peter Belgard  
Tracy Merklin

**ALSO PRESENT:**

Mark Van Etten, CEO

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

**PUBLIC HEARING:**

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

Three hearing notices were sent, three green cards received.

Chairman Sprague asked if there was anyone from the public who wished to speak.

No one from the public appeared.

Chairman Sprague closed the public hearing.

After a short discussion wherein it was discussed when the buildings were built and the year of the Building Codes that were relevant, it was determined that the Code Enforcement Officer, Mark Van Etten, should go by the 1986 Building Code including fire and safety for the building referred to as the storage building and the 1970 Code for the other building.

**ON A MOTION BY DON NICHOLS, SECONDED BY GEORGE PELLAM, THE USE VARIANCE WAS APPROVED TO ALLOW THE APARTMENTS TO EXIST AS THEY HAVE FOR THE PAST 15 + YEARS AND UPDATING DOCUMENTATION WITH THE TOWN OF LIBERTY TO ALLOW THE PROPERTY TO CONTINUE AS IT HAS WITH TWO SEPARATE BUILDINGS CONTAINING TWO APARTMENTS EACH AND BRINGING EACH BUILDING UP TO CODE. THE 1986 BUILDING CODE INCLUDING FIRE AND SAFETY FOR THE BUILDING REFERRED TO AS THE STORAGE BUILDING AND THE 1970 CODE INCLUDING FIRE AND SAFETY FOR THE OTHER BUILDING. ALL IN FAVOR, APPROVED.**

**\*See below**

**NEW BUSINESS:**

**Vladimir Romaniv**  
Area Variance  
Station Hill Road  
SBL: 36.-1-108  
Zone: SC #Z-2011-0003

Steven Green appeared for this project. He is representing the owner Vladimir Romaniv. A Notice of Disapproval dated June 30, 2011 was received from the Building Department after filing for a Building Permit. After a short discussion, it was determined that when the owner purchased the property it was in the IC district which would have meant he would need side and rear setback areas variances. Now that the Zoning has changed to SC, he will also need a use variance in order to retain its pre-existing use as a 3-family building with commercial space on the main floor. Mr. Green said they would have to go through the Department of Health with regard to the drainage issue. The owner would be fixing the drainage before winter set in to avoid leakage and freezing causing icing and the possibility of a violation issue. Mr. Green also explained that there would not be enough room on the parcel to tear the building down and rebuild. Chairman Sprague asked what the cost estimate was to remodel the existing building. Mr. Green estimated the cost of the remodel would be \$200,000 to \$250,000, which he also said was a conservative estimate. Don Nichols asked how old the building was. The Assessor's records showed that it was built in 1920. Code Enforcement Officer Mark Van Etten said that a Notice of Abandonment was issued on February 19, 2011 and that according to the Zoning Code the owner had one year to come before the Planning Board to reinstate the pre-existing, non-conforming use.

(84-34) – Abandonment and re-establishment

A non-conforming use which has been abandoned may, pursuant to special use procedures, be re-established within a period of twelve (12) months from the date when the Code Enforcement Officer shall have determined and so notified the owner of the property in question that abandonment had occurred.

After a further short discussion, it was determined that this application be scheduled for a public hearing.

**ON A MOTION BY GEORGE PELLAM, SECONDED BY DON NICHOLS, A PUBLIC HEARING WILL BE HELD ON OCTOBER 18, 2011. ALL IN FAVOR, APPROVED.**

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

Chairman Sprague asked the Board members and the Code Enforcement Officer how they felt about setting a time period on the Reeves Use Variance of six months to have both buildings brought up to Code. After a short discussion it was determined that the Board thought six months would be a good starting point and that it could be extended a further six months if need be.

**ON A MOTION BY DON NICHOLS, SECONDED BY GEORGE PELLAM TO ADD A SIX MONTH TIME LIMIT TO THE MOTION TO APPROVE THE USE VARIANCE EXTENDING IT A FURTHER SIX MONTHS IF NEED BE.**

George Pellam asked about the letter they received before the meeting from the Town Board with a copy attached of a letter from Supervisor John Schmidt to the Town Board. Chairman Sprague said they would wait to discuss it at the next meeting when the Town Attorney should be present since it was delivered at the last minute not giving the Board time enough to review the contents.

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

Respectfully submitted,  
Nancy Saucier, Zoning Board Secretary

The foregoing represents unapproved minutes of the Town of Liberty's Zoning Board from a meeting held on September 20, 2011 are not to be construed as the final official minutes until so approved.

  X   Approved as read