

**Town of Liberty
Zoning Board Agenda
February 21, 2012**

7:00 pm

Call meeting to order

Approval of Minutes from previous meeting

OLD BUSINESS:

Efraim Reiss

Variance

West Mongaup Road

Village Green Condominiums

3 Village Green Circle

SBL: 47.-3-2/0301

Zone: DCC #Z-2011-0006

ADJOURN MEETING

RESOLUTION GRANTING VARIANCE
In Accordance with the Zoning Law of the
Town of Liberty, Sullivan County, New York

WHEREAS, Efraim Reiss (“Applicant”), by application dated December 9, 2011, made application to the Town of Liberty Zoning Board of Appeals (“ZBA”) for an area variance relating to premises depicted on the Town of Liberty Tax Map as follows:

<u>Section</u>	<u>Block</u>	<u>Lot</u>
47	3	2/0301

WHEREAS, the ZBA, at its meeting held on January 4, 2012 conducted a public hearing pursuant to the provisions of the New York State Town Law and the Zoning Law of the Town of Liberty (“Zoning Law”) and in adopting this resolution has considered all of the information and comment received at the public hearing; and

WHEREAS, Applicant has submitted to the ZBA acceptable evidence in support of the variance application; and

WHEREAS, the materials were referred to the Sullivan County Division of Planning and Environmental Management (“SCDPEM”) in accordance with General Municipal Law §239, and the SCDPEM issued its determination that this variance was a matter of local determination; and

WHEREAS, the ZBA, based upon the information submitted and the findings hereinafter set forth, desires to grant the variance.

NOW, THEREFORE, BE IT RESOLVED, that the ZBA hereby adopts the following findings:

a. This variance request is due to the proposed replacement of an existing summer home located in Village Green Estates with new summer home with no change in the size or location of the home. The proposed addition includes a rear deck which will encroach upon the applicable setback requirements.

b. The Applicant has proven that strict application of the literal terms of the Zoning Law of the Town of Liberty would result in an unnecessary hardship for the Applicant since without the variance the construction of the proposed deck would not be allowed.

c. The Applicant has proved that the variance will not have an adverse effect or impact on the physical or environmental conditions in the district. No comments opposing this application were made to the ZBA in writing or at the public hearing. The community within which the building is located has many non-conforming buildings.

d. The Applicant has proved that the variance is the minimum necessary to render relief.

e. The variance is not substantial and there are no reasonable alternatives, except eliminating the deck which is undesirable.

f. The Applicant has proved that the variance would not change the character of the district or be a detriment to adjoining properties. Village Green Estates includes many residences similar to the proposed residence and deck. Homes in Village Green Estates are located in close proximity and the deck location is behind the residence to be replaced.

g. Based upon the foregoing findings and the general parameters established by the Zoning Law, the Applicant has proved to the satisfaction of the ZBA that the variance would be consistent with the spirit of the Zoning Law; and be it further

RESOLVED, that based upon the application, public, information submitted by the Applicant and in reliance upon the foregoing findings, the variance applied for, be and the same hereby is granted.

Moved by: _____

Seconded by: _____

	Yes	No	Absent
Thomas Sprague	voting _____	_____	_____
Peter Belgard	voting _____	_____	_____
Tracy Merklin	voting _____	_____	_____
Donald Nichols	voting _____	_____	_____
George Pellam	voting _____	_____	_____
Gene Burns, Alternate	voting _____	_____	_____

**TOWN OF LIBERTY
ZONING BOARD OF APPEALS
DECISION**

Re: Town of Liberty Section 47, Block 3, Lot 2/0301

Owner: Efraim Reiss
Applicant: Efraim Reiss
Agent: Glenn L. Smith, P.E., P.C.

NOTICE TO COUNTY CLERK: Deed in Instrument No. _____
Sullivan County Clerk's Office

TEXT OF RESOLUTION ANNEXED

THIS VARIANCE IS VOID UNLESS THE CERTIFIED COPY HEREIN IS RECORDED IN THE SULLIVAN COUNTY CLERK'S OFFICE WITHIN 60 DAYS OF THE DATE OF CERTIFICATION.

STATE OF NEW YORK)
) ss.:
COUNTY OF SULLIVAN)

THOMAS SPRAGUE, being duly sworn, deposes and says:

That he is the Chairman of the Zoning Board of Appeals of the Town of Liberty, Sullivan County, New York and that the Resolution annexed hereto is a true and correct copy of a Resolution duly passed by said Board at a meeting thereof held on February 4, 2012.

That he makes this certification as an officer of the Town of Liberty.

Dated: February __, 2012

THOMAS SPRAGUE, Chairman
Zoning Board of Appeals
Town of Liberty

STATE OF NEW YORK)
)ss.:
COUNTY OF SULLIVAN)

On this ___ day of February, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared Thomas Sprague, personally known to me or subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on this instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Record and Return to:
GARIGLIANO LAW OFFICES, LLP
449 Broadway - P.O. Drawer 1069
Monticello, New York 12701-1069
Attn: Barbara A. Garigliano, Esq. (sj)
70160-001v2.docx

Notary Public