**Village of Liberty ZBA Meeting**

**October 13, 2016 6:00 p.m.**

**Present:** **Absent:**

Gene Barbanti Dominick Fontana

Charlie Tyler Dr. Robert Nussbaum

George Stang

**Also Present:**

Gary Silver, Village Attorney

Pam Winters, Code Enforcement Officer

Enisa Srdonovick & guest

Frank Nutt, Jr.

Tim Gottileb, P. E.

Chairman Barbanti opens the meeting at 6:00 p.m.

**ON A MOTION BY CHARLIE, SECONDED BY GEORGE AND UNANIMOUSLY CARRIED, THE MINUTES OF THE LAST MEETING ARE APPROVED AS SUBMITTED.**

**# 01-2016**

**Enisa Srdonovick**

**40 Lake Street**

Enisa has submitted an area variance for her property to decrease the rear property line for an accessory structure from 10’ to 2’.

Enisa explains that her father constructed a 12’ X 12’ shed on her property unaware of the fact that (a) he needed a building permit, and (b) that locating it 2’ away from the property line would be a problem. Relocating the shed to the 10’ setback location would pose to be a problem not only due to the size and weight of the shed, but her father also poured a concrete entranceway in front of the shed which also would need to be removed.

Having the shed pushed back to within 2’ of the property line gives her a larger back yard for her children to play in, and in looking at other properties in the area, other garages and sheds are located closer than 10’ to the line. Therefore, she is not asking for anything that would change the character of the neighborhood.

After a brief discussion, the board agrees to schedule a public hearing on this matter. Pam is directed to forward a copy of the application to the County for 239-m review as Lake Street is also NYS State Route 55. The public hearing will be scheduled for Monday, November 28th at 6:00 p.m. Pam will make arrangements for the legal notice and the certified mailings to be done and an invoice, payable by the date of the public hearing, will be sent to the applicant.

**# 03-2016**

**Tim Gottlieb, P.E. for DEV Real Estate (Medicine Shoppe)**

**NYS Route 52E**

Tim Gottlieb is here on behalf of his client, DEV Real Estate, more familiarly known as the Medicine Shoppe who, at the suggestion of the Village of Liberty Planning Board, is requesting an area variance from Section 87-16G which states:

“All non-residential parking and loading areas and parallel circulation and service lanes shall b separated from the paving edge of a public thoroughfare or adjoining property lines by a planting strip at least twenty (20) feet in depth landscaped according to standards provided herein for such landscaping. “

Mr. Gottlieb explains that the owner of the pharmacy really needs a drive-thru service for his customers so he’s proposing the construction of a new 4,000 square foot building with the needed drive-thru. There are 16 parking spaces for this new building.

Mr. Gottlieb explains that due to the severe topo of the property, he’s unable to situate the proposed building back any further than where it is now due to the cost of the extra excavation of the site. To do so would create a financial hardship for his client. He explains that he’s presently before the Village of Liberty Planning Board who suggested that he should try to apply for a variance with the ZBA before the project can move forward.

After a brief discussion, the board agrees to schedule a public hearing on this matter. The public hearing will be Monday, November 28, 2016 at 6:10 p.m. Pam will forward a copy of the application to the County for 239-m review, and will make arrangements for the legal notice to be placed and certified mailings to be done. An invoice for services rendered will be sent to the applicant due by the date of the public hearing.

Attorney Silver suggests that the board declare itself lead agency in this matter.

**ON A MOTION BY CHARLIE, SECONDED BY GEORGE AND UNANIMOUSLY CARRIED, THE BOARD DECLARES ITSELF LEAD AGENCY FOR THE DEV/MEDICINE SHOPPE APPLICATION.**

**# 02-2016**

**S & N REAL ESTATE HOLDING CORP.**

**CHESTNUT STREET**

Frank is here with his engineer, Jaime LoGuidice, from Insite Engineering, P.C.

Chairman Barbanti goes on record as being the real estate broker who originally sold the property to Mr. Nutt in 2004. Attorney Silver feels that given the time frame involved, that there’s no need for Chairman Barbanti to recuse himself from this matter.

Attorney Silver also tells the board that his former partner, Richard Stoloff, had previously represented Mr. Nutt in a different matter before the Town of Mamakating Planning Board. This was only just disclosed to him earlier today, but has no bearing on this matter since Mr. Stoloff and Mr. Silver are no longer partners.

Frank explains the history of his project which spans over a course of twelve years. He first appeared before the Village of Liberty Planning Board for site plan and special use permit approval to construct 85 apartments in 5 buildings at the top of Chestnut Street. For a number of reasons, the project never came to fruition. Now he’s back before the Planning Board with a scaled-down version of the project, wanting to construct 73 apartments in 2 buildings. However, the density factor in our zoning changed in 2008 and his project is no longer in compliance with current zoning requirements. The current zoning is more restrictive.

Frank is requesting an area variance for two items:

1. Per 87-29F, a maximum of 6 dwelling units per acre is permitted in the R2 zone. This project is proposing 9.9 units per acre. The old zoning allowed for 19 per acre.
2. Per 87-29I, a maximum of 0 dwelling units per building are permitted within the 2 zone. This project is requesting 36 units in one building and 37 units in the second building.

The economics of the cost of construction is the driving force behind the change in the site plan. There will be 50 2-bedroom apartments and 23 1-bedroom apartments that will be marketed at the target age. Each building will be serviced by an elevator and one apartment will be designated for use by an on-site building super. The property will remain on the tax rolls.

George questions the run-off for the new project. Frank explains that they’ll have to file a new SWPP with the Planning Board because of the new design but that the new site plan has 50% less impervious surface than the former project.

Charlie asks if there are any plans for future expansion of the site. Frank says no, there isn’t.

Chairman Barbanti is pleased to see that this project is geared towards a target market rather than a low-income market and asks the other board members present of how they feel about this project, are they in favor of the idea, and do they want to schedule a public hearing. The answer is yes.

The public hearing will be Monday, November 28, 2016 at 6:20 p.m. Pam will forward a copy of the application to the County for 239-m review and make arrangements for the legal notice and certified mailings to be done. The invoice for services rendered will be mailed to the applicant with payment due by the public hearing date.

Attorney Silver tells the board that they should declare themselves lead agency.

**ON A MOTION BY CHARLIE, SECONDED BY GEORGE AND UNANIMOUSLY CARRIED, THE BOARD DECLARES ITSLEF LEAD AGENCY IN THE APPLICATION FOR S & N. REAL ESTATE HOLDING CORP.**

**ON A MOTION BY GEORGE, SECONDED BY CHARLIE AND UNANIMOUSLY CARRIED, THE MEETING IS ADJOURNED AT 6:50 P.M.**

Respectfully submitted,

Pam Winters, Clerk Approved: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_