**VILLAGE OF LIBERTY ZBA**

**REGULAR MEETING**

**SEPTEMBER 3, 2019 6:00 P.M.**

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

Dominic Fontana, Chairman

Charlie Tyler

Robert Nussbaum

George Stang

**Also Present:**

Gary Silver, Village Attorney,

Pam Winters, Code Enforcement Officer

Richard Winters, Sr.

Rich Winters, Jr.

Chairman Fontana opens the ZBA meeting at 6:00 p.m. and leads everyone in the pledge of allegiance.

**ON A MOTION BY CHARLIE, SECONDED BY GEORGE AND UNANIMOUSLY CARRIED, THE BOARD APPROVES THE MINUTES OF THE APRIL 11, 2019 AS SUBMITTED.**

Attorney Silver requests an Executive Session regarding the pending applications.

**ON A MOTION BY CHARLIE, SECONDED BY GEORGE AND UNANIMOUSLY CARRIED, THE BOARD GOES INTO EXECUTIVE SESSION AT 6: 05 P.M.**

The board comes back out of executive session at 6:15 p.m.

All of the applicants at tonight’s meeting are here because they have “sea boxes” (used for storage purposes) on their property. Section 87-13E prohibits the use of such containers on any residential property, which was realized when a prior applicant, Lee Abplanalp on Cross Street, requested a variance to have one placed on his property.

His application was approved by this ZBA board in 2017.

**# 02-2019 Richard Winters, Jr.**

**25 Winthrop Avenue**

Rich is here tonight to request a variance to allow him to keep the existing storage unit on his property. He advises the board that the storage container has been on site and used without any controversy or complaints for near two decades. It’s located at the back of the property and tucked into the woods.

The application doesn’t meet the threshold of 239-m review. It’s not within 500 feet of a State road or another municipality.

The board agrees to schedule a public hearing in this matter. The hearing will be on Monday, October 1, 2019 at 6:00 p.m.

 **# 03 – 2019 Edward Fredenburgh**

 **300 West Lake Street**

Pam advises the board about her history with Ed. When Ed moved from one house to another in 2012, she allowed him to use a tractor trailer body for storage of his personal belongings, since the remodeling of his new house was not yet complete. Construction has been piece-meal and the building permit renewed several times.

Pam currently has Ed in court for failing to voluntarily remove the tractor trailer body. It’s been more than five (5) years which is sufficient time to empty the trailer and have it hauled away. Judge Orseck has adjourned his case until November to allow Ed ample opportunity to bring his property into compliance without penalty.

This ZBA variance application is to allow one (1) storage container so that Ed can move any remaining items from the tractor trailer body into a storage unit and to get rid of it altogether. Ed’s application indicates a request for two containers, which is incorrect; he only wants one, and the application will be amended and initialed to show this correction.

Given the facts presented, Village Attorney Silver advised Pam that he doesn’t believe Ed’s request to have a container isn’t the same as the two other applicants. Pam relayed that information to Ed, who isn’t present for the meeting, thinking he’d be denied. However, the board has decided to schedule this matter for a public hearing on October 1st. This application doesn’t meet the threshold for 239-m review.

 **# 04-2019 Julia Stuhlmiller**

 **3 Spur Street**

Again, this application is for the same request, to keep an existing storage container on site. The container has been there since shortly after Julia’s purchase of the property. It’s been used continuously all this time with no complaints from any neighbors. It, too, is tucked away in the back yard alongside the property line.

This matter is scheduled for a public hearing also, and the applicant MUST be present on October 1 at 6:00 p.m.

Pam will make arrangements for all three legal notices to be placed, and will send out the certified notices. Applicants will be billed accordingly.

**ON A MOTION BY GEORGE, SECONDED BY ROBERT AND UNANIMOUSLY CARRIED, THE MEETING IS ADJOURNED AT 6:45 P.M.**

Respectfully submitted.

Pam Winters, Clerk Approved: Oct. , 2019