

Zoning Board

Public Hearing

March 29, 2010

The Village of Liberty Zoning Board of Appeals held a Public Hearing on Monday, March 29, 2010 at the Village Municipal Building, 167 North Main Street. The meeting was opened at 6:00 P.M.

PRESENT: Chairman Gene Barbanti, George Stang, Dominic Fontana and Charles Tyler. Also present:

Langdon Chapman, Attorney for the Village and Judy Zurawski, Clerk/Treasurer

ABSENT: Dr. Robert Nussbaum

ALSO **Michael Giordano, Applicant; Vinnie Stanton and Donald MacLellan.**

PRESENT:

AFFIDAVIT

OF Chairman Barbanti read the following Affidavit of Publication:

PUBLICATION:

NOTICE IS HEREBY GIVEN that the Village of Liberty Zoning Board of Appeals will hold a Public Hearing on

Monday, March 29, 2010 at 6:00 p.m. at the Village Municipal Building, 167 North Main Street, Liberty,

New York to consider a variance request application submitted by Michael Giordano.

Said application is to create an apartment smaller than the required 800 square feet in size set forth in the

Village of Liberty Zoning at 325 North Main Street. Such property is further identified by tax map # 104-11-19.

All interested persons will be provided an opportunity to speak as time permits.

Public Chairman Barbanti opened the meeting to comments from the Public.

Comments: Zoning Board Member Charles Tyler asked about the other apartments in the area that are comparable in size.

Helene Katz (328 North Main Street) sent a note stating she has no objections to the apartment. See

Exhibit – A.

Chairman Barbanti said there appears to be no opposition in the neighborhood to this matter and explained

that the Board does have sixty (60) days to decide on this issue.

Chairman Barbanti closed the Public Comment part of the Hearing.

APPLICATION #1-2010- Michael Giordano- Tax Map #104-11-19

DECLARE ZONING BOARD AS LEAD AGENCY

Motion by George Stang, seconded by Charles Tyler and unanimously carried declaring the Zoning Board as Lead Agency in this action – the application of Michael Giordano – Tax Map #104-11-19.

NEGATIVE DECLARATION

Motion by George Stang, seconded by Charles Tyler and unanimously carried to issue a Negative Declaration in this matter – the application of Michael Giordano – Tax Map #104-11-19.

See SEQR attached – Exhibit B.

CONSIDER VOTE ON VARIANCE REQUEST APPLICATION AS SUBMITTED BY MICHAEL GIORDANO

Motion by Charles Tyler, seconded by George Stang and unanimously carried approving the variance request application submitted by Mr. Michael Giordano. Said application is to create an apartment (located at 325 North Main Street – Tax Map #104-11-19) smaller than the required 800 square feet in size as set forth in the Village of Liberty Zoning. The stipulation to this approval is that the apartment be owner occupied and that the bar be actively operating and be open to the public five (5) days a week, a minimum of five (5) hours a day. The Board is requesting that an Annual Affidavit with these stipulations be submitted yearly (on or before April 1st of each year). See Exhibit C – attached.

Dominic Fontana opposed the motion.

ADJOURN: motion by George Stang, seconded by Charles Tyler and unanimously carried to adjourn the meeting.

The meeting was adjourned at 6:17 p.m.

Respectfully Submitted,

Judy Zurawski

Clerk/Treasurer