

## **ZONING BOARD**

### **REGULAR MEETING**

**SEPTEMBER 9, 2010**

The Village of Liberty Zoning Board of Appeals held a Special Meeting on Thursday, September 9, 2010 at the Village Municipal Building, 167 North Main Street. The meeting was opened at 6:00 P.M.

**PRESENT:** Chairman Gene Barbanti, Charles Tyler and Dominic Fontana. Also Present: Langdon Chapman, Attorney for the Village and Judy Zurawski, Clerk/Treasurer.

**ABSENT:** George Stang and Dr. Robert Nussbaum

**ALSO PRESENT:** Pamela Winters, Susan Pitocchi, Dara Smith and Revered Annie Greene.

**AFFIDAVIT OF PUBLICATION:** Chairman Barbanti read the following Affidavit of Publication:

**NOTICE IS HEREBY GIVEN** that the Village of Liberty Zoning Board of Appeals will hold a Special Meeting on Thursday, September 9, 2010 at the Village Municipal Building, 167 North Main Street, Liberty, New York at 6:00 p.m. on the following matter:

Application 3-10 of:     91 North Main Street LLC  
                                 91 North Main Street  
                                 Liberty, New York 12754  
                                 Tax Map #108-6-30

The applicant is requesting the following variance:

Permission to rent the commercial storefront for use as a church.

The Village Zoning Board of Appeals will at said time consider this variance.

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Chairman Barbanti explained that currently 91 North Main Street has a non-permitted use in the storefront.

Susan Pitocchi (Owner of 91 North Main Street) presented the Board with the following letter regarding the continuous struggle to rent the units and storefront at 91 North Main Street:

Susan also presented the Board with photographs of the work they have done in the building and the ongoing work as they have money to do it. She said they have gone back to New York City to work in the painters union and film industry to support themselves and this real estate.

Reverend Annie Green said she runs a non-denomination Pentecostal Church with about twenty-five members. She said most of the congregation is local people that walk to church. She said they are also trying to build up a Youth Program.

Attorney Chapman explained that the law (State) requires that the applicant show all of the following:

1. That the property is incapable of earning a reasonable return on initial investment of used for any of the allowed uses in the district (Actual “dollars and cents” proof must be submitted).
2. That the property is being affected by unique, or at least highly uncommon circumstances.
3. That the variance, if granted, will not alter the essential character of the neighborhood.
4. That the hardship is not self-created.

Attorney Chapman explained by the evidence presented, it does not appear that the above criteria are met. Attorney Chapman said the owners would have to prove that it is worthless as a retail space.

Chairman Barbanti said everyone that applies is entitled to a Public Hearing if they so desire. He reiterated however, that it did not appear that they would meet the criteria.

Chairman Barbanti opened the meeting to comments from the Zoning Board Members.

The Board discussed the use variance and asked about the work they had done to the apartments.

**Susan Pitocchi (the applicant) did not request a Public Hearing at this time.**

**ADJOURN:** Motion by Gene Barbanti, seconded By Dominic Fontana and unanimously carried to adjourn the meeting.

**THE MEETING WAS ADJOURNED AT 6:30 P.M.**

**RESPECTFULLY SUBMITTED,**

**JUDY ZURAWSKI  
CLERK/TREASURER**