

**Village Of Liberty
Zoning Board Meeting
Thursday, April 21st, 2022, 6:30 P.M. Zoning Board Meeting**

Present:

**Dominic Fontana
Charles Tyler
Robert Nussbaum
Matthew Stoddard
Kyle Goldstein**

Also Present:

**Gary Silver, Attorney
Jasmine Bullaro, Clerk
Daniel Pollan, Code Enforcement
Jeanne Martin, Healthy Kids**

Dominic Fontana, Chairman, opens the meeting at 6:30 P.M. and leads everyone in the Pledge of Allegiance.

ON A MOTION BY CHARLES TYLER, SECONDED BY KYLE GOLDSTEIN AND UNANIMOUSLY CARRIED, THE BOARD APPROVES THE MINUTES FROM MARCH 23, 2022.

Healthy Kids Property Tax Map# 114-2-1.2

ON A MOTION BY CHARLES TYLER, SECONDED BY KYLE GOLDSTEIN, AND UNANIMOUSLY CARRIED, THE PUBLIC HEARING IS OPENED AT 6:30 P.M.

There were no comments from anyone in the public.

ON A MOTION BY CHARLES TYLER, SECONDED BY MATTHEW STODDARD, AND UNANIMOUSLY CARRIED, THE PUBLIC HEARING IS CLOSED AT 6:35 P.M.

Gary Silver states that Jeanne Martin from Healthy Kids is requesting to change the 10-foot required setback to a 5-foot required setback.

Gary Silver reads through Part 2 of the Environmental Assessment Form and the Board responds to the questions contained therein.

ON A MOTION BY CHARLES TYLER, SECONDED BY ROBERT NUSSBAUM AND UNANIMOUSLY CARRIED, THE BOARD ISSUES A NEGATIVE DECLARATION.

Gary Silver states this is the criteria you are required to consider by law pursuant to Village Law Section 7-712-b3(b) and (c): In making its determination, the Zoning Board

of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community by such grant. In making such a determination, the Board of Appeals shall also consider: (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance. The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

ON A MOTION BY ROBERT NUSSBAUM, SECONDED BY DOMINIC FONTANA AND UNANIMOUSLY CARRIED, THE ZONING BOARD APPROVES THE AREA VARIANCE FOR THE HEALTHY KIDS PROPERTY

Gary Silver states that May 12th is our next regular Planning Board Meeting. Jeanne Martin from Healthy Kids Property LLC needs to be there to get a Public Hearing scheduled for June.

Robert Nussbaum proposes hybrid zoom meetings.

Gary Silver states, that in order to have hybrid zoom meetings if the public wanted to enter your home they could by law, everyone will have to be seen/ heard, and also there is not enough money or equipment for this request. The Village Board will have to be contacted and they can make the final decision as to any costs which would have to be incurred in order to conduct virtual meetings since the Zoning Board of Appeals has no budget.

Dominic Fontana states that there is not enough money to buy laptops, cameras, and microphones. There is no way to afford this right now.

Gary Silver states the next Village Board meeting will be May 5th at 7:00 P.M. if Dr. Nussbaum wants to present it to the Village Board.

ON A MOTION BY CHARLES TYLER, SECONDED BY MATTHEW STODDARD, AND UNANIMOUSLY CARRIED, THE MEETING IS ADJOURNED AT 6:49 P.M.