

VILLAGE OF LIBERTY REGULAR ZONING BOARD MEETING FEBRUARY 22, 2010 5:00 P.M.

Present:

Gene Barbanti, Chairman
Dominic Fontana
Charlie Tyler

Absent:

Robert Nussbaum
George Stang
Judy Zurawski, Clerk

Also Present:

Langdon C. Chapman, Village Attorney
Pam Winters, Acting Clerk & CEO
Michael Giordano, applicant
Vinnie Stanton
Helen Katz
Marilyn Larinio

Chairman Barbanti called the meeting to order at 5:00 p.m.

**ON A MOTION BY DOMINIC FONTANA, SECONDED BY CHARLIE TYLER AND
UNANIMOUSLY CARRIED THE MINUTES OF THE AUGUST 24, 2009 ARE ADOPTED AS
SUBMITTED.**

**# 01-10 Michael Giordano
Variance Application Request
325 North Main Street**

Chairman Barbanti: This application is a request for an area variance with regard to the minimum square footage of a legal residential dwelling. The Village of Liberty Zoning regulations require that the square footage of a dwelling be no less than 800 square feet. Mr. Giordano's application is asking that this area be reduced to less than half that requirement, 372 square feet.

Mr. Giordano: That's correct.

Chairman Barbanti: Obviously he doesn't have the room to make the apartment any larger?

Pam: That's right.

Chairman Barbanti: So the next step in this process is to schedule a public hearing. Is that correct?

Attorney Chapman: That's correct.

Mr. Stanton: That's what I thought we were here for, the public hearing.

Pam: The notices were mailed out when we thought the public hearing would be the same night at the initial review. Actually, no notices are needed for the applicant's initial appearance before the Board. They're only needed for the public hearing, so you'll be receiving yet another certified notice for the upcoming public hearing.

Chairman Barbanti: But we still need the public hearing.

Attorney Chapman: Yes

Pam (to Mike): Tonight's the night where you have the opportunity to explain to the Board the nature of your request and why you feel the need to ask for a waiver or an exception to the zoning rules and regulations.

Chairman Barbanti: Explain to us why you feel you need an apartment less than the 800 square feet mandated by our zoning. In all probability, the best way to actually comprehend your request is to actually visit the location in question.

Mike: Actually it's already been done. I've been living there for 4½ years. There was originally two rooms in the back of the building. They've been there for well over thirty years. So all I did was renovate them. I put in a new bathroom, took out the slop sink that was originally there and the old toilet and added a shower. I installed new floors and new walls.

Chairman Barbanti: In the space we're talking about tonight?

Mike: Yes.

Pam: I might add that this was all done illegally without a building permit. The whole thing started when I began receiving complaints that Mike was living in the back of the bar, that he had several large dogs on the premises that he allowed to roam loose in the bar and defecate all over the floor. In the process of following up on these complaints, I also discovered that the owner of the building, Mr. Jerry Turco, had also created an illegal apartment on the other side of the building where a barbershop used to be. That matter ultimately went to court; the owner paid a fine, and Mr. Turco subsequently applied to make that apartment legal.

Chairman Barbanti: But that apartment was much bigger than this one, right?

Pam: Yes, but it, too, was found to be much less than the required 800 square feet. Either way, the point of the matter is that just because the apartment was created and used by Mike for almost five years doesn't mean that he can continue to do so without following proper zoning and/or building codes. He needs to request a variance and, if it receives your blessing, then he can apply for a building permit. I'm not even sure he can fully comply with the Building Code of New York. I have some concerns about sufficient means of egress, light and ventilation in his habitable rooms, etc.

There's some discussion amongst those members of the public and the board about the certified mailings again.

Chairman Barbanti: Well, without wasting anybody's time with this, I think the thing to do is for us to schedule a public hearing and take it from there. It's my suggestion that before the public hearing, we as Board members should schedule an appointment with Mike to visit the site and see what this is all about and form an opinion to make an intelligent decision.

Pam: I believe that Judy usually schedules ZBA matters on either the fourth or the last Monday of any given month. The last Monday in March is March 29, 2010. Is that good for everyone? Or is the 22nd better?

Attorney Chapman: I don't have a problem with the date but for the fact that it technically takes us beyond the sixty-two day cut-off with which to schedule the public hearing by law. Either date works for me but I would only schedule the public hearing on March 29th with the expressed consent of the applicant.

Mike: That's perfectly fine with me. I have no problem having the hearing on March 29, 2010.

Attorney Chapman: Pam, be sure to note in the minutes of the meeting that the applicant has agreed to schedule his public hearing past the required sixty-two day requirement.

Pam: The time will go back to 6:00 p.m.?

Chairman Barbanti: Yes, that's our regular time.

Attorney Chapman: I would also ask that the applicant submit a completed and signed short form EAF to attach to his application.

Pam: He's just finishing it as we speak.

Attorney Chapman: I also see that the applicant failed to answer question # 2 on his application. He should also see that he completes that portion of his application before the public hearing. Is this the apartment right here (identifying a sketch attached to the application)?

Mike: Yes. When do you want to see the apartment?

Chairman Barbanti: Are you ordinarily there every day?

Mike: I'm there every day.

ON A MOTION BY CHARLIE TYLER, SECONDED BY DOMINIC FONTANA AND UNANIMOUSLY CARRIED, THE MEETING IS ADJOURNED AT 6:00 P.M.

Respectfully submitted,

Pam Winters, Acting Clerk

Approved: March , 2010