**Village of Liberty ZBA Meeting**

**December 8, 2016 6:00 p.m.**

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

Gene Barbanti, Chairman Dominick Fontana

George Stang Robert Nussbaum

Charlie Tyler

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Chairman Barbanti opens the meeting at 6:00 p.m.

**ON A MOTION BY CHARLIE, SECONDED BY GEORGE AND UNANIMOUSLY CARRIED THE MINUTES OF THE LAST MEETING ARE APPROVED AS SUBMITTED.**

**# 04-2016 AUTO ZONE AREA VARIANCE PUBLIC HEARING 6:00 P.M.**

**ROUTE 52E, LIBERTY**

Chairman Barbanti opens up the public hearing # 04-2016 for **Auto Zone.**

Pam advises the board that she place the legal notice and mailed out 8 certified notices. Five were received, 1 was returned and 2 were unknown at the time of the meeting.

Attorney Silver advised the board that the County mailed back their 239-m determination on this application and they decided that it was a matter for local determination. With no one present from the public to comment on this application, Attorney Silver suggests the public hearing be closed.

**ON A MOTION BY CHARLIE, SECONDED BY GEORGE AND UNANIMOUSLY CARRIED, THE PUBLIC HEARING FOR AUTO ZONE IS CLOSED AT THIS TIME.**

Attorney Silver reviews the SEQR report with the board and enters the board responses onto the application.

**ON A MOTION BY GEORGE, SECONDED BY CHARLIE AND UNANIMOUSLY CARRIED, THE BOARD DECLARES A NEGATIVE DECLARATION IN THIS MATTER.**

**ON A MOTION BY CHARLIE, SECONDED BY GEORGE AND UNINIMOUSLY CARRIED, THE AREA VARIANCE RQUESTED BY AUTO ZONE TO REDUCE THE PLANTING SETBACK TO LESS THAN THE REQUIRED 20’ IS APPROVED.**

**# 05-2016 MASJIDU AHLIS SUNNA**

**14 NORTH MAIN STREET**

**USE VARIANCE**

Abdus-Shaheed Azeej is here representing the mosque in its request to relocate their mosque from its former location at 3 South Main Street to 14 North Main Street.

Attorney Silver explains to the board members the difference between an area variance and a use variance. He informs the board that the property in question is currently zoned DCC-Downtown Commercial Core which prohibits any house of worship. However the owner of the property, Main Street Liberty, LLC purchased the property in 2000 when the zoning actually did allow a house of worship to be established. So the applicant is within his right to apply for this variance.

Shaheed explains to the board that his mosque isn’t new to the area, and has been meeting in a storefront owned by Krugs since 2009. Over the past decade or more, their congregation has been increasing in membership and has outgrown their present tenant space. Over time, they’ve grown from having three (3) families to now ten (10) families.

The proposed new location is more than twice the size of their prior location. With having more room to work out of, his congregation is becoming even more involved with the community by starting a youth outreach, and offering an additional location for AA members to meet.

Charlie asks about occupancy of the space. Pam advises him that occupancy is determined by a number of factors including the square footage available, the number of exits and the type of construction. The Code Enforcement will determine occupancy but it’s the responsibility of the owner/tenant to see that the number assigned is adhered to.

With the board having no further questions at this time, they schedule the public hearing for Thursday, January 12, 2017 at 6:00 p.m. Pam will forward a copy of the application to the County for 239-m review and take care of the certified mailings.

**ON A MOTION BY CHARLIED, SECONDED BY GEORGE AND UNANIMOUSLY CARRIED, THE MEETING IS ADJOURNED AT 6:30 P.M.**

Respectfully submitted,

Pam Winters, Clerk Date Approved: January , 2017