

**Village Of Liberty
Zoning Board Meeting
Thursday, February 2nd, 2023, 6:00 P.M. Zoning Board Meeting**

Present:

**Dominic Fontana
Charles Tyler
Robert Nussbaum**

Also Present:

**Gary Silver, Attorney
Jasmine Bullaro, Clerk
Daniel Pollan, Code Enforcement
Scott Kitchner, Stewart's Engineer**

Absent:

Kyle Goldstein, Matthew Stoddard

Dominic Fontana, the Chairman, opens the meeting at 6:00 P.M. and leads everyone in the Pledge of Allegiance.

Stewart's Shops Corp Tax Map #115-2-1

Scott Kitchner, Stewart's engineer, explains he is here before the Zoning Board seeking four variances from the local code for a new gas station and convenience store at 131 Mill Street. They are proposing a 3,900-sq-ft building, with covered gas pumps, 4 pumps, 8 fuel locations, high-flow diesel pumps off to the side, with parking on 3 sides of the building. The construction of the parking lot would be based on the future EV parking.

They would need the variances for the gas canopy because it is a classified accessory structure. In this zoning district, the canopy may not be at the side or front.

The second variance is park loading accessory and traffic standards. Delaware Engineering's letter stated parking should be on the rear side, but Mr. Kitchner believes that it does not have to be. They proposed it in the front, which is where the door to the building will be. Non-residential parking requires landscape screening with a minimum 20 ft width, and it would be required on Elm Street. The applicant does not have a 20 ft. They are proposing a minimum of 6 ft.

The third variance would be for the freestanding sign. Code allows 16sq-ft. The proposed sign here is 63sq-ft, but the applicant can go down to 30sq-ft: 6 ft wide by 5 ft tall sign that would say "Stewart's" The sign would have 12in price numbers. Lastly, the most significant variance is that the property is in the flood zone and the Code requires 2 ft above base flood elevation. Currently, the proposed plan provides 5

in above base flood elevation.

Gary stated that, at the Village Board meeting, he ran into Dave Ohman, the Village Engineer, and he recommended providing details on what it would take to satisfy the Code as written if no variance would be granted.

Scott stated that the deepest amount of fill they will place is 2mft fill. If they had to come up with the floor, it would be another 19 inches, it would push it up to 5ft of fill, which would require a very steep entrance onto the property. Then we would have to shift the building away and there would be no future EV parking. We are a self-insured company, so we would assume all financial liability.

Gary stated variances are always fact-specific, so we need to wait on more information.

ON A MOTION BY CHARLES TYLER, SECONDED BY ROBERT NUSSBAUM, AND UNANIMOUSLY CARRIED, THE BOARD DECLARES ITSELF LEAD AGENCY IN THIS UNLISTED ACTION.

There are no questions from the Zoning Board for the first three variances because we still need more information on the fourth variance.

ON A MOTION BY CHARLES TYLER, SECONDED BY ROBERT NUSSBAUM, AND UNANIMOUSLY CARRIED, THE BOARD SCHEDULES THE NEXT ZONING BOARD MEETING FOR MARCH 2ND AT 6:00 P.M.

ON A MOTION BY ROBERT NUSSBAUM, SECONDED BY CHARLES TYLER, AND UNANIMOUSLY CARRIED, THE MEETING IS ADJOURNED AT 6:20 P.M.