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VILLAGE OF LIBERTY ZONING BOARD MEETING

Thursday July 31, 2025, 6:00 p.m.

In attendance: Dominic Fontana, Chairman, Victoria Ferguson, Member, Matt Stoddard, Member, Gary Silver, Village of Liberty Attorney
Michael Vershanski, Public, Francia K. Brinn, Applicant Representee

- Dominic Fontana called the meeting to order at 6:00PM.

PUBLIC HEARINGS:

1. **Jinette Gallo- SBL-107.-2-11** - Request one area variance of 1' 4" of the required 25' front setback. One area variance of 6' 4" of the required 35' rear setback.
 - **Gary Silver:** This is for anyone in the public to speak. Mike. This is your chance to speak.
 - **Michael Vershanski:** Yeah, I'm just here for the property by my house.
 - **Gary Silver:** State your name for the record.
 - **Michael Vershanski:** Michael Vershanski. 20 Yaun Ave, been there since 2015. Owned the house.
 - **Gary Silver:** So, state what your position is.
 - **Michael Vershanski:** Listen on this property is- Hey, the lot is so much. She knew that it doesn't meet the code. Why are we changing the code to meet this lady's requirements? And I just wonder, where's it going to end? Where does it end? You know, next time it's going to be, what, a hundred feet? It's going to be right back- You never know. I don't know. And who's going to be living there? Is it going to be a multi-family home, a single-family home? What is it? Is it going to be parking 50 cars up the street? I don't know. It's already getting crazy. The Yaun Ave is getting, getting nuts with these people, man, these people going like 65, 70 miles an hour down the road. There's a lady up the road. I don't know if this is illegal or not. Are you the code enforcement for everything?

- **Gary Silver:** Keep, please keep your issues to this act. Okay? And by the way, if you have an issue with somebody down there, you can speak to her privately. Afterwards you can speak to her.
- **Michael Vershanski:** Yeah. I'll do that later. But yeah, you have a lot. She knew the size of the lot. And now, why are we making adjustments for the code in the Village? Why? What's the reason? Code's there for a reason. Yaun is a nice street. It's one of the nicest streets in Liberty, and I'd like to maintain it that way. My taxes are not cheap, just went up \$600. I'm like at 10 grand, and I got them lowered when I first bought the house, because it was ridiculous. And now we're going to just change it at a whim? Because somebody bought a house? He knows the size of the lot. If it doesn't fit, get a smaller house. Make it up to code. Now why are we changing this? That's it.
- **Gary Silver:** Okay. Unless you wanted to hand a motion to close the public hearing?
- **Victoria Fergerson:** I'll make that motion.
- **Matt Stoddard:** Second.
- MOTION
 - Victoria Fergerson motions to close the public hearing. Matt Stoddard seconds the motion.
 - All in favor. The motion passes.

OLD BUSINESS:

2. **Jinette Gallo- SBL-107.-2-11** - Request one area variance of 1' 4" of the required 25' front setback. One area variance of 6' 4" of the required 35' rear setback.

- **Gary Silver:** Okay. Does the board have any questions for the applicant?
- **Matt Stoddard:** Just with what he said. Is it just one family? Is it?
- **Gary Silver:** He's asking you a question.
- **Francia Brinn:** Yes, my mother is going to be living there.
- **Matt Stoddard:** I understand his concerns.
- **Francia Brinn:** It's a one family house, and actually that's the smaller house that they make.
- **Dominic Fontana:** The smallest house the company makes?
- **Francia Brinn:** Yes.

Gary Silver: Anybody else have any other questions? Okay. What I'll do is, I will read the statute. It is Village Law section 7-712-B section three, area variances. "The zoning board of appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the

- enforcement of such local law, to grant area variances as defined herein. 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 determination, the board shall also consider: 1. Whether an undesirable change will be produced in the character of the neighborhood, or detriment to nearby properties will be created by the granting of the area variance. 2. Whether the benefits 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 proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. 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 of variance." Just so you know, self-created is what he's saying, she bought the property. "The Board of Appeals and the granting of area variances shall grant the minimum variance that shall be deemed 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." Now, we determined last time, because it's an area variance by law, it's a type two action. So environmental review of the SEQR is not performed. So based upon the present application of the applicant, the objections of Mr. Vershanski, and my statement of the law, someone can make a motion to either approve or deny the application.
- **Victoria Ferguson:** Do we discuss it first?
- **Gary Silver:** You're supposed to make a motion.
- **Victoria Ferguson:** I make a motion to approve it, then we can discuss it.
- **Matt Stoddard:** I'll second it.
- **Gary Silver:** Okay. Then you can discuss it.
- **Victoria Ferguson:** Sorry, this is the first time I'm doing this, I'm new.
- **Gary Silver:** Not a problem.
- **Victoria Ferguson:** I understand the concerns. I do appreciate that it's a single-family home in a single-family neighborhood.
- **Marisol Torrens:** For general knowledge, it's allowed in the zone. So basically, if she will meet the setback, she will not be here. This is something that is allowed in the zone.
- **Gary Silver:** It's just the size of the lot.
- **Victoria Ferguson:** Oh, gotcha. It's just the size of the lot that's the problem. Matt, what are your thoughts?
- **Matt Stoddard:** I mean, I definitely understand his concerns. I live up on Kelly, and you see similar stuff. Things being built everywhere, which isn't a bad thing either. I understand the concern about the number of people in the neighborhood.
- **Gary Silver:** I'm only the attorney, but I just want to point out that, to be fair, if somehow, she can get a smaller house, it would still be the same number of people.
- **Matt Stoddard:** Right. Well, that's what I mean. I understand the concern.

- **Dominic Fontana:** Right now, it's an unimproved lot, and the taxes are a lot cheaper for an unimproved lot. We're going to have an improved lot, which will give us more money for those-
- **Gary Silver:** You shouldn't consider taxes. Taxes are irrelevant, also. That's not a consideration for you. Whether it generated a million dollars or if it was going to be a- Like, if somebody came before you and was going to be tax exempt property, you couldn't consider that either. That's inappropriate to consider. Want me to read the factors again? I'll be happy to do that.
- **Matt Stoddard:** No, I've got it. What I mean, it's a few inches, that's, that's my thing. It's a few inches. It's not like a lot, but I understand. Where does it stop? I get that.
- **Victoria Ferguson:** This is non-precedent setting. Correct?
- **Gary Silver:** There's no such thing as precedent with a variance. Each one is based upon the facts of the case. Mike is right, if you have zoning, why do you violate? But that's the purpose of variance. Otherwise, there would be no variance statute. A variance statute is specifically when you consider the factors in there. If you believe it meets those factors and it warrants an area of variance, you are allowed to vary the code. It's statutory. The state is allowed that. And then it's up to you to determine whether, based upon the facts before you, you believe it's appropriate to grant a variance. So why don't you just call a vote and see how people are?
- **Matt Stoddard:** Sherry made the motion.
- **Gary Silver:** Making a motion just brings it- She can still technically vote against it. Anybody can. That just brings it before you. You have to have a vote one way or the other. So now you should each vote on it.
- MOTION
 - Victoria Ferguson motions to approve the area variance. Matt Stoddard seconds the motion.
 - All in favor. The motion passes.
- **Gary Silver:** Okay, that's it.
- MOTION
 - Matt Stoddard motions to close the meeting. Victoria Ferguson seconds the motion.
 - All in favor. The motion passes.