

JOINT MEETING  
TOWN BOARD OF THE TOWN OF LIBERTY  
March 21, 2013 7:00 p.m.

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At the Special Joint Meeting of the Town Board of the Town of Liberty held on March 21, 2013 at 7:00 p.m. at CVI Building, 1 Cablevision Center, Liberty, New York, the following Town Board Members were present:

Supervisor Charlie Barbuti  
Councilperson Maurice Gerry  
Councilperson Dean Farrand  
Councilperson Chris Austin

Absent: Thomas Hasbrouck

Recording Secretary: Town Clerk Laurie Dutcher

Also present:

Town Attorney Kenneth Klein  
Deputy Town Clerk Sara Sprague  
Assistant Town Attorney Walter Garigliano  
Alexander Dembitze  
Allen Werlau  
Amy Amaral  
Ann & Stephen Cofman  
Anne Hart  
Benjamin Dowe  
Bill Liblick  
Brenda Gaebel  
Brian McPhillips  
C.L. Levine  
Candy Gatta  
Charles Burgio  
Cheyenne Miller  
Cindy Kurpil Gieger  
Community Film Depot  
Cora Edwards  
Dale VanDenberg  
Dan Ratner  
Etta Barbanti  
Gary Siegel  
Gary Silver, Esq.  
Helene Rothstein  
Inge Grate-Uiehlah

Iris Borman  
Isaac Green Diebboll  
J. Futerfas  
Jack Bodolosky  
Jeffrey Cohen  
Joel Rosenfeld  
John Ballard  
John Barley  
John Desrochers  
John Nichols  
John O'Neil  
John R. Webber  
John Van Etten  
Judy Siegel  
Kathleen Harkins  
Lydia A. Rolle  
Malek Rabadi  
Matt Dewitt  
Meir Frischman  
Michael Edwards  
Mike McPhillips  
Mike Woods  
Nancy Levine  
Pat & Mike Abbott  
Richard Suresky  
Robin Green  
Russell Reeves  
Sean Zigmund

Sy Friedman  
Todd Gallo  
Tom Sprague  
Tony Krum  
Vicky Ferguson  
Wes Illing

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After the Pledge of Allegiance, Supervisor Barbuti called the meeting to order at 7:00 p.m.

**Dean Farrand:**

- ✚ Residents were concerned with taxes, lack of jobs, shopping, quality of life, and the preservation of open spaces
- ✚ The new zoning has some strong points
- ✚ Zoning follows property lines on road and doesn't cross property lines
- ✚ There is clarity within districts – district intent charts
- ✚ Differences:
  - IC District – 3% of land; after = 2 %
  - Housing is non-conforming use
  - RS – 10% now, 11.3% after
  - RI – RS now, R2 after
  - RD – 61% now, 42% after → eliminated manufacturing
  - AC – 19% now, 41% after
- ✚ The new map & intent charts need improvements
- ✚ Hamlet committees 2011 map & chart – look @ hamlet specifically
- ✚ He wants citizen involvement:
  - Quality control committee – need members
- ✚ Unintentional mistakes were made
- ✚ Chart will be put on the web reflecting changes
- ✚ We are moving in a new & proper direction
- ✚ Liberty did not change w/ old zoning; going backwards seems to waste time
- ✚ We should move forward and work out the bugs
- ✚ We should create a marketing plan for liberty (zoning regulations committee)

Letter received from Joan Kittredge:

**Re: Special Town Meeting on Zoning Revisions – 3/21/13**

**Dear Supervisor Barbuti:**

As you know, my husband Robert Shapiro and I own property in the Town of Liberty and have been active in land-use issues. We value the natural beauty and rural character of the Town and have worked hard to see that it is preserved. We appreciate the special meeting being held to keep the public informed of the progress of the zoning review committees. Unfortunately we are unable to attend tonight's meeting, but want to express our concerns about one of the questions being considered at the meeting.

I am not writing with respect to any specific revision to the zoning code or to the zoning map. I am only concerned with the question posed as to whether the Town should continue to attempt to revise the 2011 zoning law and maps -- or should it "rescind" the 2011 zoning and revert to the pre-2011 zoning as the basis. I strongly recommend that the Town work with the existing zoning and consider revisions to that and not try to revert to the pre-2011 law.

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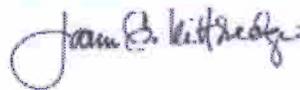
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I do not understand what benefit would be obtained by returning to the pre-2011 law. To do so would ignore the significant community effort from 2006 through 2011 which resulted in the revised law. The previous zoning had not been significantly amended since 1987 and was clearly inadequate to meet the current land-use pressures on the Town, thus the adoption of the 2011 law. Also, as we all know, the Town cannot simply "rescind" the 2011 law but must go through all of the procedures associated with amending the zoning law, including compliance with SEQRA, since it will in fact be adopting a new law, albeit the previous version.

I also do not think a return to the pre-2011 zoning is wise from a land-use perspective. If the intent is to use pre-2011 as the basis upon which to consider revisions, that is an imperfect means of attempting to update the zoning law. That would only put in place an out-of-date zoning law that would be applicable until such time as the Town did a further revision – and this would have the unintended effect of allowing inappropriate development to proceed while amendments are being considered. If there is a consensus that changes are appropriate to the current law, then those should be considered within the context of the current law and not as return to the outdated law.

Thank you for consideration of these comments, and I look forward to reviewing and participating in the Town's continued re-zoning efforts.

Respectfully Submitted,



Joan Kittredge

✚ **Mike Woods:**

- ✚ Summer Camps – RI does not allow camps to expand
- ✚ 1 & 2 resident housing – only in R1 and R2
- ✚ Few resort hotel zones – completely eliminated
- ✚ More non-conforming use
- ✚ Walnut Mt. zoned Service-commercial
- ✚ One side is different than the other side
  - Bulk:
- ✚ 12 uses moved to special use
- ✚ 27 were eliminated entirely
  - Code is flawed and restrictive
  - He wants to repeal new zoning & return to 1987

✚ **Tom Edwards:**

- ✚ He worked on 1987 zoning & feels the Town should go back to 1987 zoning and then move ahead

✚ **Russell Reeves:**

- ✚ Issues:
- ✚ Presently you can't have an apartment in your home

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- ✚ Taxes are very high
- ✚ Residents cannot stay in houses
  
- ✚ **Lynn Dowe:**
- ✚ Swan Lake took out huge mortgage for store; came before Planning Board – Denied because it must be owner occupied; they couldn't live above it
- ✚ Swan Lake Stevensville is not in hotel zone anymore
- ✚ Ferndale corridor is IC, was RD
- ✚ Once a business, you can't convert to a residence
- ✚ WSS \$225,000.00 Surveying & plans for 33 homes
- ✚ Lake Marie homes zoning changed
- ✚ Daytop filed bankruptcy trying to sell; cannot sell because it's not zoned for camps
- ✚ Abandon building county will have demolition bill
  
- ✚ **John Nichols:**
- ✚ Set aside property to build apartments when he retires
- ✚ Shovel ready for nothing – not allowed to use the land
- ✚ Grossingers paid \$215,000.00 per year in taxes; they haven't paid since 2011
- ✚ Could do a PUD but it would take years
- ✚ In favor of going back to 1987 zoning
  
- ✚ **Anne Hart:**
- ✚ In support of moving forward using the current zoning
- ✚ 1987 & 2011 did not do anything for the town
- ✚ We know what the problems are and we can fix them

Anne Hart presented the following letter:

**Comments on Agenda Questions:**

The Town of Liberty should continue to revise the 2011 Zoning Map, code and regulations. The 2011 Zoning changes were the result of a multi-year process which included quite a few public meetings and hearings on the changes. The changes were, in large part, reflective of the Comprehensive Plan and Farmland Protection Plans which were completed after their own multi-year processes, again with a number of public meetings, hearings, and input from the public.

Three current Town Board members voted in favor of the 2011 changes, after what I am sure, was very careful consideration. Another current Town Board member was on the committee which proposed these changes. From my viewpoint as an interested citizen, I could see that none of these changes were made in haste or with little thought.

For the record, the 2011 zoning changes had no impact on my residence. The 2011 changes included many components that make sense from a development and community planning point of view. That said, there are a number of issues which have been raised as a result of these changes, and they should be carefully considered and re-considered. These areas have, for the most part, been identified and the process of re-evaluating them has begun. Proposed revisions are in the works, both from some of the hamlet committees

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and from the zoning review committee. The Parksville Priorities committee has devised a complete plan incorporating their vision of what Parksville should become.

Some of the strengths of the 2011 changes include the following:

Zones incorporate the principles of development which encourage more density in and near the hamlets, where there is some infrastructure, with density lessening out toward more rural zones, where there is little infrastructure.

Zones span an entire parcel, whereas before, some parcels were within a number of zones.

The Resort Hotel zones have been removed, and those areas re-zoned to reflect existing uses on the neighboring properties. The Resort Era is over, and the new map recognizes this. Should there be serious interest in attracting a developer for a Resort/Hotel/Recreational project, the PUD district could be the vehicle to encourage this type of development, in an area where it is compatible with existing uses, by amending the 2011 chart to allow resort or recreational developments as a special use and perhaps making other changes to the regulations for that floating zone.

The R2 zone has been created in an area where it makes sense, close to water and sewer lines, allowing for single, two and multi-family dwellings. Prior to this change, multi-family dwellings weren't allowed in any zoning district in Town. Multi-family dwellings are where many young people first start out and where older people downsize, and are generally more affordable than other housing options.

A Downtown Commercial Core district was created, specifically in Swan Lake, recognizing the trend toward denser development in that area and providing regulations that did not exist before the change.

The Service Commercial District was expanded to the properties along Rte. 52 toward both Grahamsville and Youngsville, reflecting existing uses and providing for future growth along those corridors. While there are fewer principal permitted uses, the size of the floor area allowed has doubled to 5,000 square feet and the two formerly principal uses were moved to the special use category. The number of special uses allowed was expanded to sixteen from thirteen, with new uses added such as Daycare and Nursery Schools and automobile service stations. Should the Parksville Priorities committee plan be adopted, the issues which have arisen in Parksville because of the 2011 changes and the "development" of 186 will be resolved and will reflect what the good people of Parksville wish their community to become.

The Industrial Commercial District was expanded slightly in size, primarily because it now incorporates entire parcels where before there were two zones on some parcels. In some locations, such as the neighborhoods surrounding Cold Spring Road, the zoning was changed to reflect that the actual use on those parcels is not Industrial or Commercial, but is in fact, completely residential. Its central location on the Rte 17 corridor makes sense. The IC section at Exit 99 makes less sense. The old zoning chart allowed almost everything to exist as a principal permitted use, from single family homes, to hunting camps to wholesale businesses to dairy livestock and poultry farming to dry cleaning and laundry plants. To some extent this probably reflected what actually existed there back in 1987 and in years prior. To a developer, this kind of zone may very well have signaled that this community isn't clear about what it wants itself to be, or what it wants to happen where. If I were to want to develop, say a dry cleaning plant, which was a principal permitted use under the old map, I may not want to purchase and build on property next to single family homes, fearing that there might be constant conflict. This may be some of the reason why, after all of these years, there has been little development in this zone, and might give credence to the idea that "intuitive zoning", or the concept of letting districts evolve "naturally", doesn't work. Perhaps some of the old

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zoning had the effect of precluding development which would have been an asset to the Town in terms of providing employment, an increased tax base and attracting other like development. If the 1987 zoning was more "business friendly" than the 2011 zoning, why wasn't there much development during that 24 year time period, in that zone or others?

The changes to the AC, RD and to a lesser extent R1 Zones are the most controversial. Much of the RD Zone has been put into the AC zone, and some of the parcels formerly in the RD zone have been moved to the R1 zone. On a map, some of it makes sense from the viewpoint of concentrating development around infrastructure and expanding density slowly outwards.

In the AC zone, the principal permitted uses haven't changed much, with the exception of the removal of Hunting and Fishing camps, Kennels and mobile homes. Hunting and Fishing Camps became a special use. Special uses that were removed were public and semi-public uses, two-family dwellings, timber landings and natural resource extraction. The removal of the latter two uses makes sense because they are both industrial in nature and incompatible with an Agricultural Conservation district. I'm not sure what public and semi-public uses are and frankly haven't spent any time trying to find out. Special uses that were added include Bed and Breakfasts/inns. The most controversial changes are the increase in the minimum lot size to ten acres and the creation of an open space requirement, seconded by no longer allowing two family housing in the district. These concerns have been clearly stated and I am told that they will be taken up by the hamlet and zoning review committees.

In the RD and R1 zones, the controversy resides almost, if not entirely with the fact that quite a few summer camps have become nonconforming uses due to the redistricting. The Town Board, particularly the Town Supervisor, has been active in soliciting the opinions of the Summer Camps on this issue. It is my hope that there will be a similar effort to reach out to the residents in the areas affected to solicit their thoughts on the matter. To date, I've not seen that happen. The zoning review committee has been working on developing regulations for summer camps, which never before existed, and the summer camps are preparing their suggestions for regulations as well. The process is ongoing.

There is much I could write about suggested tweaks to the 2011 Zoning changes, most of which are suggestions for what I think may be improvements as I've looked at the changes more closely, done research on zoning in other communities because of my membership on the zoning review committee and listened to what my neighbors, friends and fellow committee members' thoughts are about the changes. One suggestion would be to take a strong look at the restrictions on mixed uses in the DCC and SC districts. By allowing dwellings above storefronts, small business might be encouraged to open by either people wishing to live and work in the same building or by people who will supplement the cost of running a building where their business is housed by having a rental upstairs. For example, many buildings on Rte. 52 in White Sulphur already have buildings which are this type of mixed use. Our business in Youngsville uses this model successfully.

I will close by saying that to simply revert back to the old zoning map; district intent and regulations would be irresponsible. Zoning, laws, and regulations should reflect the community as it is now, should encourage viable economic development, a healthy and diverse economy and strive to help achieve what the community wants itself to be, guided by the comprehensive plan and constant discussion among fellow citizens and stakeholders. To attempt a complete reversal, to pretend that we can just roll back the clock to 1987 and all will be well is naïve, and possibly costly. We're moving forward, however slowly. Let's keep going forward. Thank you.

✚ **Wes Illing:**

- ✚ Zoning: a vision of where you want the community to go
  - Must be sustainable – it hasn't given us sustainability
  - New plan has a lot of merit; but the old plan also had merit
  - Neither plan works, we should start over

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- Developing areas that have a positive impact
- Transportation corridors for free
- New map that shows: roads, topography, water & sewer districts

✚ **Matt DeWitt:**

- ✚ Excited & pleased that the Town Board was reaching out to Hamlets for input
- ✚ WSS Committee has stopped working until the Town Board makes decision – urges them to make it fast so we can go forward

✚ **Mike Edwards:**

- ✚ Be careful about rolling backwards

The following email was received from Michael Edwards:

Thank you for organizing last night's meeting. I remain concerned about the effects of returning to the 1987 zoning plan in permitting inappropriate uses (you can be sure there will be just as many dissatisfied residents once the old plan takes effect as with the new one!), but I also realize that the way to fix this problem is to get involved in helping to find a better solution that blends together the best elements of the old and the new.

So I would like to volunteer for the Swan Lake sub-committee, particularly because it lacks representation from the Kelly Bridge/Redwood Lane end of the village where we live. I spoke to Bill Liblick about this last night.

Please let me know what happens next.

Thanks, Mike

✚ **Bill Liblick:**

- ✚ Wants economic development – tax exempt
- ✚ Stevensville – is the tax abatement over?
- ✚ Wants a tax base – where are we going; why are we not marketing?

✚ **Iris Borman:**

- ✚ 18% poverty; 10% unemployment
- ✚ 38% land taken; 86% tax free
- ✚ New zoning map
- ✚ No one will build a home if they don't have a job
- ✚ Emphasis on marketing
- ✚ Make development easy
  - Decide what type of development you want
  - Then tailor your zoning to the type of development

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↓ **Todd Gallo:**

- ↓ Stevensville Hotel
- ↓ Had two different parties interested in purchasing and both asked what the zoning was; they both went to different townships
- ↓ Cannot market a hotel in the R-1 zone
- ↓ Invested \$30 million

↓ **Fritz Mayer:**

- ↓ 3 people on board voted for the current zoning
  - bad idea on going backwards 25 years
  - camps are not welcome -- our camp has received 22 permits to expand

**The following letter was submitted by Fritz Mayer:**

April 14, 2013

I submit this letter in response to Supervisor Charlie Barbuti's call for public comment on whether the Town Board should repeal the zoning change adopted in 2011.

Rolling back the zoning might have the effect of inviting more tax-exempt properties to the town. Take, for instance, Ferndale-Loomis Road. One homeowner on the road owns a house worth about \$111,900 and paid taxes and fees in January of \$2,547.

According to Sullivan County property records, Agudath Israel Youth owns a summer camp on the road valued at nearly \$2.2 million and in January 2013, paid town and county taxes or fees of only \$300. If the camp were paying at the same ratio as the homeowner the amount would be in the neighborhood of \$50,000.

NYSARC owns property worth an estimated \$214,400, and paid taxes in January of \$120. If the property were fully taxed the bill would be about \$4,700.

Other property owners on the road together were billed nearly \$134,000 in January.

If you vote to repeal the zoning you are inviting many types of tax-exempt operations to set up shop on Ferndale-Loomis Road. If a tax exempt operation is created near any of the 28 residences on the road who pay taxes, the houses will decrease in value and that will further erode the tax base in Liberty.

The acreage limit in the Ag District can be addressed without repealing the zoning, and the issue of the zoning of the hotel in Swan Lake can be addressed without undoing many years of work.

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Also, it is fine the Supervisor Barbuti solicits public comment on Facebook, but not at all scientific. If the board wants a true reflection of how the residents feel, it would be an easy matter to arrange a survey of all voters and taxpayers in the town as is commonly done in preparing an update for a comprehensive plan.

Sincerely,  
Fritz Mayer  
109 Upper Ferndale Road  
Liberty, NY 12754

✚ **Amy Amaral:**

- ✚ Parksvilleny.org ideas are on the web

✚ **Sean Zigmund:**

- ✚ He grew up here, moved away, then came back
- ✚ Told by town that he could do, then was told he could not after 2011 zoning
- ✚ Has problem w/ district intent, much stricter
- ✚ Keep what we have & tweak it

✚ **Dan Ratner:**

- ✚ If it doesn't work it doesn't work
- ✚ Liberty is unfriendly to developers & contractors
- ✚ If it means going back to zero, then so be it

✚ **Cora Edwards:**

- ✚ How many people would like to buy shoes & clothing?
- ✚ What are we doing to attract businesses here?

✚ **Gary Siegel:**

- ✚ Merits to both maps – which way will take the least amount of time?

✚ **Nancy Levine:**

- ✚ Can things be done quickly?

✚ **Brian McPhillips:**

- ✚ Build on the 1987 zoning as a base

✚ **Etta Barbanti:**

- ✚ If you go back then the Stevensville would be a conforming use

✚ **Judy Siegel:**

- ✚ Quick way: use the 1987 map & take the good from the 2011 map and incorporate it into 1987 map
- ✚ Go through and each road and street should be the same.

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✚ **Lydia Rolle:**

- ✚ Would like to buy clothes & shoes in the Town of Liberty

✚ **Allen Werlau:**

- ✚ Go back to 1987 zoning & then tweak it

✚ **Cindy Gieger:**

- ✚ She hears a lot about hotels; shocked at the lack of small businesses
  - We are mostly small businesses
- ✚ Would go along with a plan that is friendly to small businesses
- ✚ It is frustrating when zoning from one area to the next is different
- ✚ Will have steps of what to do and the zoning of each place

Respectfully submitted,

*Laurie Dutcher*

Laurie Dutcher, Town Clerk