

**TOWN OF LIBERTY
PLANNING BOARD MINUTES
January 6, 2009**

MEMBERS PRESENT

Diane S. Deutsch, Chairman
Ray Kelly
Lynn Dowe
Dean Farrand
John Van Etten

ABSENT

Peter Stettner, Alternate

ALSO PRESENT

Walter F. Garigliano, Town Attorney and Mark Van Etten, Building CEO
See attached sign in sheet

CHAIRMAN DEUTSCH CALLED THE MEETING TO ORDER AT 7:03 PM.

**ON MOTION MADE BY JOHN VAN ETTEN AND SECONDED BY DEAN FARRAND,
THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR DECEMBER 2, 2008.**

PUBLIC HEARING:

Camp Bnos

Special Use Permit
316 Ferndale Loomis Road
SBL 36.-1-60.1
Zone: RD

Eighteen notices sent, eight green cards received and two returned. Chairman Deutsch asked if there was anyone present from the public. No one appeared.

**MOTION WAS MADE BY LYNN DOWE SECONDED BY DEAN FARRAND TO
CLOSE THE PUBLIC HEARING. APPROVED.**

Meir Frischman appeared for this project and presented the Board with new maps. Response was received from County Planning recommending disapproval because they were dissatisfied with the map, the map which was sent for review not showing the roads and topography. Town Attorney Garigliano said that the Planning Board could go ahead and make their decision without County Planning's approval since the Code says the Planning Board waives any and all formalities on maps presented at their discretion, but would have to do so with a majority, roll call vote. There was a short discussion with regard to the road/access/egress locations. It was determined that since the Planning Board members had been out to the property and looked at the locations of the roads and the proposed synagogue that they were satisfied with the project.

**ON A MOTION BY LYNN DOWE SECONDED BY JOHN VAN ETTEN THE SPECIAL
USE PERMIT FOR CAMP BNOS WAS APPROVED. A ROLL CALL VOTE WAS
TAKEN AS FOLLOWS: FIVE IN FAVOR – NONE OPPOSED. ALL IN FAVOR,
APPROVED.**

PUBLIC HEARING:

1/06/2009

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Rhea Loughrey
Subdivision
30/18/12 Mineral Springs Rd
SBL 32.-2-9.1
Zone: AC

Fifty-one notices sent, 39 green cards received and two returned. Chairman Deutsch asked if there was anyone present from the public.

Ed Nietzal asked what the plan was. He came up to see the map and it was explained to him just how the subdivision was proposed.

Tim Borden asked about the access and it was explained to him on the map where the 25 foot and 50 foot access would be. He asked about the woods in the back and it was determined that there was no need for access as the woods are not owned by Applicant Loughrey.

Ed Nietzal asked why this was being done and was told the reason is so that Applicant Loughrey can sell the barn,

Tim Bordon said that he'd heard years ago that the late Mr. Loughrey said he had a variance granting permission to have as many horses as he wanted on his property. If the acreage is going to be brought down in size, shouldn't there be a change to that permission. After a short discussion, it was determined that it would be looked into by checking former files for any mention of permission for an unlimited number of horses by variance.

MOTION WAS MADE BY RAY KELLY SECONDED BY DEAN FARRAND TO CLOSE THE PUBLIC HEARING. APPROVED.

Steven J Green, PLS appeared for this project. Chairman Deutsch brought forward a letter she received from Ellen Hogencamp wherein Ms Hogencamp is concerned about the drainage ditch, the flooding it causes and the damage being done to her back lawn. John Van Etten said he believes he heard that there was a five to six foot drainage ditch or berm to direct the water and that it may be deeper in the middle. It was determined that the late Mr. Loughrey had it regarded to bring the water off his property approximately 20 years ago.

Chairman Deutsch asked if there were any other questions or comments from the Board. Lynn Dowe said he had some work he was going to have to do for Ms. Hogencamp and that he would go look at the property and see what he could concerning the ditch. It was pointed out that the Board has 62 days to check on the drainage issue and into the variance issue about the horses. Attorney Garigliano said that the Planning Board Secretary can come down to his office and see about the variance as he is sure he has the old files in storage concerning any Zoning issues 20 years ago.

This matter will be brought back for review on February 3, 2009.

Special Use Permit
Stanton Corners Road
SBL: 46.-1-57
Zone: RD

Yosef Neuhouse appeared for this project. After a short discussion it was determined that the Board was satisfied with this project. The Board would, however, like to have shown on the map how to get to the bunkhouse and what the road will be made of so that they know it is not just dirt or grass.

PLANNING BOARD MEMBER RAY KELLY WAS SUMMONED OUT OF THE MEETING. ALTERNATE MEMBER DENISE BIRMINGHAM CAME TO SIT IN AS ALTERNATE.

Attorney Garigliano did the SEQR.

ON A MOTION BY JOHN VAN ETEN SECONDED BY DEAN FARRAND A NEGATIVE DECLARATION WAS DECLARED ON THIS PROJECT. ALL IN FAVOR. APPROVED.

It was determined that the file was complete for this project. Because this project received a recommendation for disapproval from County Planning for lack of roads and topography on the map sent to them for review, the Planning Board will do a polled vote for approval, since the Code says the Planning Board waives any and all formalities on maps presented at their discretion.

ON A MOTION BY DEAN FARRAND SECONDED BY LYNN DOWE THE SPECIAL USE PERMIT FOR CAMP BASIS YAAKOV WAS APPROVED WITH CONDITION THAT THE ROADS BE SHOWN ON THE MAP AND WHAT THEY WILL BE MADE OF. THIS IS TO BE DONE BEFORE A BUILDING PERMIT IS ISSUED ON THE PROJECT. FIVE IN FAVOR – NONE OPPOSED. ALL IN FAVOR. APPROVED.

William G Foster
Lot Improvement
Heinle Road
SBL: 43.-1-9 & 10
Zone: AC

CHAIRMAN DEUTSCH RECUSES HERSELF FROM THIS PROJECT. PLANNING BOARD MEMBER LYNN DOWE WILL ACT AS CHAIRMAN.

Steven J Green, PLS appeared for this project. After a short discussion, it was determined that this lot improvement's access is for accommodation not necessity. It was also determined that not needing a 239 review or SEQR that there being no issues it could be approved.

ON A MOTION BY JOHN VAN ETEN SECONDED BY DEAN FARRAND THE LOT IMPROVEMENT FOR WILLIAM G. FOSTER WAS APPROVED. FIVE IN FAVOR – NONE OPPOSED. ALL IN FAVOR, APPROVED.

CHAIRMAN DEUTSCH RESUMES AS CHAIRMAN. PLANNING BOARD ALTERNATE MEMBER DENISE BIRMINGHAM RECUSES HERSELF FROM THE NEXT PROJECT AS SHE IS PRESENTING.

St. Peter's Roman Catholic Church

2 lot Subdivision

Balsam Avenue

SBL: 22.-3-1

Zone: RS

Denise Birmingham presents this project. She explained that this was before the Planning Board back in May and June of 2006 at which time it was approved by the Planning Board and also appeared at the Village Planning Board as a lot improvement and was approved there as well. They are not going to follow through with the 2006 decision for ingress and egress, they are going to come in and out off Balsam instead. Attorney Garigliano read the SEQR into the minutes.

ON A MOTION BY JOHN VAN ETEN SECONDED BY DEAN FARRAND A NEGATIVE DECLARATION WAS DECLARED ON THIS PROJECT. ALL IN FAVOR. APPROVED.

This project will be sent for 239 review and a public hearing is to be scheduled for February 9, 2009.

Yosef Brachfeld

Special Use Permit

245 Ferndale-Loomis Rd Unit #27

SBL: 41.-1-9.8

Zone: RD

DENISE BIRMINGHAM RETURNED AS ALTERNATE PLANNING BOARD MEMBER.

Jack Tompkins appeared for this project. It was explained that the applicant is putting a deck on Unit #27 in this development called Hillcrest Estates. After a short discussion it was determined that a new map needs to be presented showing only Unit #'s 26, 27 & 28 so that the Board can see the dimensions and measurements for the Unit in question, not the whole development. This project will return for February 3, 2009.

ON MOTION BY DEAN FARRAND SECONDED BY JOHN VAN ETEN THE MEETING WAS ADJOURNED AT 8:15 PM.

MOTION WAS MADE FOR THE PLANNING BOARD TO GO INTO EXECUTIVE SESSION.

APPROVED _____ N. Saucier