

**TOWN OF LIBERTY
PLANNING BOARD MINUTES
February 3, 2009**

MEMBERS PRESENT

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

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.

DENISE BIRMINGHAM, ALTERNATE, RECLUSES HERSELF FROM THE FIRST PROJECT AS SHE IS REPRESENTING THE APPLICANT.

PUBLIC HEARING:

St. Peter's Roman Catholic Church
2 lot Subdivision
Balsam Avenue
SBL: 22.-3-1
Zone: RS

Eighteen notices sent, 15 green cards received and three outstanding. Chairman Deutsch asked if there was anyone present from the public.

Cliff Hamlin stood and asked can these parcels ever be sold again. Denise explained that there is a note on the map stating that no they could not and read aloud the note in part: "...shall not be severable in whole or in part without Planning Board approval."

MOTION WAS MADE BY LYNN DOWE SECONDED BY JOHN VAN ETTEN TO CLOSE THE PUBLIC HEARING. APPROVED.

After a short review of the project, it was determined that all requirements have been met including receipt of the 239 letter of local determination from County Planning. It was also noted that the Village of Liberty's Planning Board has signed the map.

ON A MOTION BY JOHN VAN ETTEN SECONDED BY DEAN FARRAND THE SUBDIVISION FOR ST. PETERS ROMAN CATHOLIC CHURCH WAS APPROVED WITH THE CONDITION THAT THE PARCELS NEVER BE SOLD. ALL IN FAVOR, APPROVED.

DENISE BIRMINGHAM RETURNED AS ALTERNATE PLANNING BOARD MEMBER.

Eisdorfer / Executive Estates
Subdivision
Liberty Road
SBL 10-1-21.1, 21.2 & 22.1
Zone: RD

Jacob Billing appeared for this project. He asked for a two year extension on the approval of this project. They approached the Building Department for a permit because they wanted to start construction on the project. An issue arose when Mark Van Etten sent this in to 911, they kicked it back because it had not been filed with the County. It was just a site plan approval. Jacob visited with the County today with Mike and Dave and they actually stamped the two copies. Their position was that they wouldn't need to see this for their purposes, they would need as a condo the metes and bounds tie ins for each building. Attorney Garigliano said what confuses it is the caption on the map, being "Subdivision". Jacob agreed. He believed that it was a couple years ago that because there were two pieces of property and they were joining them and the Town dedicated the road, they gave the Town an easement and the Eisdorfers paid infrastructure improvements to the Town of about 200K. The water supply is up there so the Town has access but gave the Eisdorfers this piece. He believes that is why it was put on the map which was signed by Chairman at that time. Jacob said the County didn't have a problem, what they said was that they could see it a month or two or three when the condo offering plan is going to be approved. At that time everything is tied in with metes and bounds. Mark's issue is that he doesn't want to, can't give out building permits pursuant to this procedure until 911 signs off, so he went to 911 today, but she wasn't there, Lynn McDonald was not there to see how to solve this particular issue, which may be relatively simple. All he may have to do is ask Ron Cobb from Hawk Engineering to do a metes and bounds description for each building so 911 can tie in. Mark Van Etten said that the confusion was the map was labeled as a subdivision. Attorney Garigliano said "Right". Mark said that was his question. Is it a subdivision? Attorney Garigliano said "No, it is not. But the map has always said that, it's been confusing from the beginning and they should have made them change it. It is what it is. Mark said so if it's not a subdivision, then Lynn can do what she needs to do. He believed that when he spoke to her she couldn't act on it because if it was a subdivision, they needed to record it before she looked at it. Attorney Garigliano said yes, but site plans don't get recorded with the County, they get recorded at Nancy's office. Jacob said which is the way they proceeded except once the offering plan is done, then the County will want to have it for the same purpose because they will tie each unit to a tax map number so they can bill each unit. What they told him today was that they could see this project at the end when the offering plan is done. That's when they normally see a condo. Does Lynn need to hear from you that it's not a subdivision. Mark said he would tell her that. As long as there are no changes, they have the road names already done by the Town Board, everything's in place. Jacob asked, if she has everything she needs then. Mark said yes. It was noted that all the Applicant is looking to do now is start the infrastructure, put up a few models and submit their condo offering plan. They want to get started on the project this Spring. It was explained by Town Attorney Garigliano that the Planning Board never grants extensions of this type for more than six months. Jacob said if that's the case that would be fine.

MOTION WAS MADE BY DEAN FARRAND AND SECONDED BY JOHN VAN ETTEN TO EXTEND THE APPROVAL OF THIS PROJECT FROM THE EXPIRATION DATE OF MAY 15, 2009 UNTIL NOVEMBER 15, 2009. ALL IN FAVOR. APPROVED.

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

Steven J Green, PLS appeared for this project. It was determined that after a thorough search there is no record of any variance granting an unlimited amount of horses on the property. It was determined that the ditch was a "very" old ditch, done a long time ago. There being no further issues or requirements Chairman Deutsch asked for a motion.

ON A MOTION BY LYNN DOWE SECONDED BY DEAN FARRAND THE SUBDIVISION FOR RHEA LOUGHREY WAS APPROVED. ALL IN FAVOR, APPROVED.

Yosef Brachfeld
Special Use Permit
245 Ferndale-Loomis Rd Unit #27
SBL: 41.-1-9.8
Zone: RD

Jack Tompkins appeared for this project. A map had been provided showing a blow up of the area in question to show the dimensions and measurements. After a short discussion it was determined that the distance between was more than 25 feet and it met the requirement. This project will be sent to County Planning for 239 review and will return on March 3, 2009 for a Public Hearing.

Menderis Road
Subdivision
Menderis Road
SBL 38.-1-14 & 15
Zone: AC

Paula Kay appeared for this project. She distributed to the Board a letter by Tim Miller Associates, Inc. to the Applicant concerning a Biodiversity Habitat Assessment including their proposed Scope of Services. The Planning Board members will review this letter and address any changes they may have at the next meeting. Once any changes are made the Applicant will sign the authorization to proceed. There will be a Public Hearing on March 3, 2009 for only SEQRA and the only remaining issue in SEQRA which is wildlife. One more Public Hearing will be held in the future on the final Plat in accordance with the Appellate Decision.

1540 57 LLC
Special Use Permit
Shore Road – Town Road #85
SBL: 44.-1-27
Zone: RS

Don Schmalzle of Rettew appeared for this project. He briefly described the project and the Board members then discussed with him what issues they had with the project. John Van Etten stated that in Section 84-21(D) it states that this parcel is in an area that will only accept single family homes and in Section 84-22-(A) is stated that all parcels are to be included. Chairman Deutsch asked that all decks be shown on the map as well as square footage, set-backs, whether they are one story or two story, how many bathrooms, bedrooms, what is the basement like. If there are four shuls, are they each 3,600 square feet and requested a layout with size and density for all. Attorney Garigliano said he noted that Don had marked the wetlands "Army Corps" wetlands and asked Don if he had submitted them for the Army Corps to give that title or would Don rather the Planning Board send his study for review. Don chose the latter option. Dean Farrand asked if this would be under Town water. Don said it is and it isn't. He spoke with the Water Department and he said they were amenable for outside use. It is an issue which will need to be addressed. Denise Birmingham said she wasn't happy with the way the road was laid out. After a short discussion it was determined that having the road follow the property line would be a better configuration. The map will be completely changed and brought back for review by the Planning Board at a future date. Don was reminded that if it was to be done in stages that they be labeled as such. He asked about whether they would need a traffic study. It was explained that it would depend on the number of final units.

Chiam Schwartz
Special Use Permit
Ferndale – Loomis Road
SBL: 35.-2-21.1
Zone: RD

Wes Illing appeared for this project. He explained that he was planning four-plexes of 8,000 square feet which would look like large two-story colonials. There will be an elaborate sewer system consisting of primary and secondary buried sand beds, through UV treatment and finally coming out in aerated water cascade. There are wells across the road in the woods that they will utilize. For fires they plan on using the ponds. They plan on deepening the main pond and will meet with the DEC and proceed with a general permit. Attorney Garigliano said they would probably have to do with one less building which would make 10 four-plexes not 11. A short discussion was held concerning the parking spots needed. It was determined that one was needed for every 3.5 seats for a synagogue, one for each 12 seats in a school or shul. Can't seem to tell at this point how big the shuls are going to be as the Applicant is still thinking about utilizing the shuls for other area residents as well. Wes mentioned that he thought the Applicant was considering using the main pond as a swimming area for the resident children. Gail Marshall said he could find information on swimming areas in the Bath and Beach Zone information. He said he would have to look that up. It was determined that if there are going to be playgrounds they need to be shown as well as any decks. A well test will be done to determine the output of the existing wells. Wes was reminded

by Attorney Garigliano that it was done with the highest producing well offline. The Board would expect to see the results.

Sunset Lake Estates
Subdivision
Sunset Lake Road f/k/a Infirmary Road
SBL 30-1-27.7, 27.9, 27.3 & 27.6
Zone: RD

Wes Illing had sent in a letter requesting a one year extension for time to complete. The Board suggested that this project be withdrawn and re-applied for when the Applicant is ready to start work as it has been almost two years since any activity on this project. Wes Illing agreed to inform the Applicant.

52 Liberty Inc.
Special Use Permit
1885 Route 52
SBL: 30.-1-76.1
Zone: IC

Usher Jalas appeared for this project. He wants to configure the center space into two stores, which will make a total of four stores in the building which is what the Planning Board gave him approval for originally. He has the grocery and variety now as one large store area. Attorney Garigliano asked Mark what was the size required for a door. Mark said 30 but that it depends upon the separate footage, the square footage of the unit for egress based on the occupancy level. The minimum is three foot. Mark said they need to be out-swing doors in this case, they need to be the minimum swing of the door away from each other. It was noted by Attorney Garigliano that in the illustration they are too close. Mark said, it was just going to be glass front anyway so he will have to move the doors to make it comply. Then Attorney Garigliano said he believed it was approved as four units and each unit had to have a separate delivery entrance and he has that with this new configuration. Mark asked where the propane tank was back in there. Didn't he have a propane tank somewhere back in there? Usher said no and pointed out the correct location on the map. Mark said he didn't know if the Board would look at this as being a significant enough change, if not it's just fine. Chairman Deutsch asked if everyone was fine with this, everyone said yes. Attorney Garigliano asked if Usher was going to get the parking lot done this year. Usher said they would be done in April. The Board determined that it had no issues with what Mr. Jalas was doing as long as there are just four units and as long as each unit has a separate delivery portal and he was told to proceed.

**ON MOTION BY RAY KELLY SECONDED BY LYNN DOWE THE MEETING WAS
ADJOURNED AT 8:40 PM.**

APPROVED _____ **N. Saucier**