

**TOWN OF LIBERTY  
PLANNING BOARD MINUTES  
FEBRUARY 5, 2008**

**MEMBERS PRESENT**

Diane S. Deutsch, Chairman  
Jon Sutherland  
Ray Kelly  
Lynn Dowe  
Dean Farrand  
John Van Etten, alternate  
Peter Stettner, alternate

**ABSENT**

**ALSO PRESENT**

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

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**CHAIRMAN DEUTSCH CALLED THE MEETING TO ORDER AT 7:05 PM.**

**ON MOTION MADE BY DEAN FARRAND AND SECONDED BY JON SUTHERLAND, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR JANUARY 8, 2008 WITH CORRECTION ON PAGE 5.**

**PUBLIC HEARING:**

**Camp Agudath Israel of America**  
Special Use Permit  
140 Upper Ferndale Road  
SBL 29.-1-24.1  
Zone: RS

18 notices were sent, 16 green cards received, one returned.

Chairman Deutsch asked if there were any comments or questions from the public.

No one appeared.

**ON MOTION BY JON SUTHERLAND AND SECONDED BY DEAN FARRAND, THE PUBLIC HEARING WAS CLOSED.**

**Camp Yeshiva Gedola Ohr Yisroel**

Special Use Permit  
249 Anderson Road  
SBL 2.-1-3  
Zone: RD

15 notices were sent, 14 green cards received.

Chairman Deutsch asked if there were any comments or questions from the public.

No one appeared.

**ON MOTION BY DEAN FARRAND AND SECONDED BY JON SUTHERLAND,  
THE PUBLIC HEARING WAS CLOSED.**

**Shelly Kleinberger**

Subdivision  
Radcliff Road / TR #37  
SBL 48.-2-9.5  
Zone: RD

9 notices were sent, 7 green cards received.

Chairman Deutsch asked if there were any comments or questions from the public.

No one appeared.

**Camp Agudath Israel of America**

Special Use Permit  
140 Upper Ferndale Road  
SBL 29.-1-24.1  
Zone: RS

Meir Frischman appeared for this project. He distributed new maps to the Board members. After a short discussion, Attorney Garigliano reminded the members that this project fell under the Type II threshold and therefore did not require SEQR.

**ON A MOTION BY JON SUTHERLAND, SECONDED BY DEAN FARRAND,  
THE BOARD UNANIMOUSLY APPROVED THE SPECIAL USE PERMIT WITH  
THE NOTATION THAT IT IS A TYPE II ACTION AND DOES NOT REQUIRE  
SEQR.**

**Camp Yeshiva Gedola Ohr Yisroel**  
Special Use Permit  
249 Anderson Road  
SBL 2.-1-3  
Zone: RD

Faye Grunwald and Al Adler appeared for this project. The maps were reviewed. Attorney Garigliano read SEQR.

**MOTION WAS MADE BY JON SUTHERLAND, SECONDED BY LYNN DOWE, FOR NEGATIVE DECLARATION ON SEQR. ALL IN FAVOR. APPROVED.**

Lynn Dowe asked about the septic on the property. Faye Grunwald said that a letter from the DEC was forwarded to the Board and that the DEC had okayed the system. The letter was reviewed by the Board.

**ON A MOTION BY JON SUTHERLAND, SECONDED BY DEAN FARRAND, THE BOARD GRANTED APPROVAL OF THE SPECIAL USE PERMIT. ALL IN FAVOR. APPROVED.**

**Shelly Kleinberger**  
Subdivision  
Radcliff Road / TR #37  
SBL 48.-2-9.5  
Zone: RD

Larry Sutton from Wasson Engineering appeared for this project. After a short discussion, Attorney Garigliano read SEQR.

Board member, Lynn Dowe, recused himself from this project.

**MOTION WAS MADE BY JON SUTHERLAND, SECONDED BY RAY KELLY FOR NEGATIVE DECLARATION ON SEQR. ALL IN FAVOR. APPROVED.**

**ON A MOTION BY RAY KELLY, SECONDED BY DEAN FARRAND, THE BOARD GRANTED APPROVAL OF THE SUBDIVISION WITH THE CONDITION THAT THE BOARD RECEIVES A MAP STAMPED AND SIGNED BY THE SURVEYOR. ALL IN FAVOR. APPROVED.**

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

Glenn Smith and Paula Kay appeared on this project for discussion only. They handed out maps. They discussed the issue of the temporary road, which will run in Phase II of the project. Attorney Garigliano suggested that they might want to consider a hammerhead turn around instead of a circular cul-de-sac for ease in plowing and large truck access and perhaps go ahead another 400 feet. Ray Kelly asked if there should be a time limit on building the road all the way through. Attorney Garigliano said instead of building the road they could bond the cost of emergency access. Paula Kay said perhaps the Board could require that if the road is not built by (a date to be determined) then they will bond emergency access. Several members said no, that wouldn't be satisfactory. Attorney Garigliano said perhaps Glenn Smith could calculate the figures and the bond on the emergency access should be less than \$100,000. Glenn Smith said that it would be more like \$130,000 to \$140,000. The discussion then went to how long the temporary road would be. It was determined and agreed by the Board that it should be long enough to pick up lots 12 and 22 with a hammerhead turnaround at the end.

**Time Warner Cable**  
Special Use Permit  
NYS Route 52  
SBL 35D.-3-10.2  
Zone: SC

Tom DePuy appeared for this project. He said he'd received a copy of Tom Shepstone's comments earlier in the day and that he would check the lighting issue in paragraph one of Shepstone's letter and will show lighting details on the map. He will put a notation of the storage use on the map. Mr. DePuy said they will modify the pond and go by DED requirements and DEC is on hold until they hear from the Board at which time a new NOI will be issued. Attorney Garigliano explained that as far as paragraph four, the Board has started requiring a biennial inspection for the storm water basins every two years to assure they remain functional. It will be a requirement in this project. A 239 review will be done as soon as the map revised to Tom Shepstone's comments has been delivered to the Planning Board office. A public hearing is to be scheduled for March 4, 2008.

**Suburban Propane**  
Special Use Permit  
NYS Route 52  
SBL 35E.-1-10  
Zone: SC

Richard Williams appeared for this project. He was given a copy of the letter with review from Kelly Engineering. He took several minutes to read this letter. He then said that he would check with Donald Mullenix so that the boundaries are marked appropriately. As for numbers two, three, five and six, he will see that there is are shown appropriately on the plans. As for number seven, the concrete pads are there for the DOT cylinders so that they do not become frozen to the ground or stuck in the mud. He said they will put a note on the plan about that as well. It was determined that this project has municipal water but not sewer service. This project will be sent for 239 review once the revised maps are received in the Planning Board office. They will also be sent to Kelly Engineering for review at the same time. A public hearing is to be scheduled for March 4, 2008.

**Camp Yeshiva**  
Special Use Permit  
Swan Lake Road / County Route 55  
SBL 44.-1-35  
Zone: RS  
New Application

Larry Sutton of Wasson Engineering appeared for this project. They have submitted a new application and request a Special Use Permit only to build a gymnasium and class rooms. It will not effect the treatment plant and they will be doing their own further investigation as to what they can do in the future around the treatment plant requirements. Chairman Deutsch asked why there was an "alternate location" shown on the plans. Larry said it was because they were not sure at this point which location they were going to put the gymnasium. Chairman Deutsch said it should be clarified for the next meeting with only one location for the gymnasium. Mark Van Etten asked if it had been submitted to the Department of Health. He was told that it was not necessary as they were not building housing units. This project will be sent for 239 review once the revised maps are received in the Planning Board office. A public hearing is to be scheduled for March 4, 2008.

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

Usher Jalus appeared for this project. He explained that he wanted to put in three businesses in the building, a grocery store, his existing Save Right and perhaps a pizza place and that with the remaining area he would put two storage units. It was explained to him that it would mean his application would fall under change of use. After some discussion, he was told he would have to have a traffic study done with regard to the increase of ingress and egress into his lot. They will also need to work on the parking for the project and show it on the plans along with the sprinkler systems and loading docks. There was much discussion on the delivery entrances into the lot and at the back of the building. It was decided that there would be no parking in the back of the building, only delivery entrances into the building. This project will be sent to Glenn Smith as Town Engineer to review as soon as the revised plans are received by the Planning Board office.

**Auto Reflections**  
State Route 52  
SBL 33.-5-15

Mark Van Etten rose and brought up the topic of the definition of "light trucks" as listed in the business plan of Auto Reflections. Does the Board go by the Department of Motor Vehicles definition or what criteria do they use. After a short discussion, it was determined that the Board goes by the manufacturer's maximum gross weight with 18,000 pounds being the maximum cut off for "light trucks" as stated by member Lynn Dowe and agreed to by the remainder of the Board. Chairman Deutsch made the comment that Auto Reflections has been putting their signs too close to the road and in the Line of Triangle and over the Highway and Road Bounds.

**ON A MOTION MADE BY JON SUTHERLAND AND SECONDED BY JOHN VAN ETTEN THE MEETING WAS ADJOURNED AT 9:00 P.M.**

**APPROVED \_\_\_\_\_ N. Saucier**