

**TOWN OF LIBERTY
PLANNING BOARD MINUTES
February 15, 2011**

MEMBERS PRESENT

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

ABSENT

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 7:20 PM.

ON MOTION MADE BY JOHN VAN ETTEN AND SECONDED BY DEAN FARRAND, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR JANUARY 4, 2011 WITH A CORRECTION ON PAGE 2 OF MR. NEWHOUSE'S FIRST NAME FROM JOSEPH TO YOSEF.

PUBLIC HEARING:

New Cingular Wireless
Special Use Permit
196 Revonah Hill Road
SBL: 18.-1-9.9
Zone: RD #2010-0025

Seven notices sent, 6 green cards received, 1 returned.

Chairman Deutsch asked if there was anyone from the public who wished to comment.

Matthew Sherman asked where the tower was going and why. It was explained to him.

Brenda Sherman spoke of her environmental concerns with cell phones and towers and wondered where she would find information on health problems resulting from cell towers.

Chairman Deutsch read a letter to the Board members received from Michael Hochman with his concerns on the decibel level of the generator and a request that six foot spruce trees be planted six to eight feet apart to surround the fenced in area.

ON A MOTION MADE BY JOHN VAN ETTEN AND SECONDED BY RAY KELLY, THE PUBLIC HEARING WAS CLOSED. ALL IN FAVOR. APPROVED.

PUBLIC HEARING:

Eugenio Scarpelli
2 Lot Subdivision
Dessecker Road
SBL 24.-1-21
Zone: RD #2011-0001

Thirteen notices sent, 12 received, 1 returned.

Chairman Deutsch asked if there was anyone from the public who wished to comment.

No response from the public.

ON A MOTION MADE BY LYNN DOWE AND SECONDED BY DEAN FARRAND, THE PUBLIC HEARING WAS CLOSED. ALL IN FAVOR. APPROVED.

New Cingular Wireless
Special Use Permit
196 Revonah Hill Road
SBL: 18.-1-9.9
Zone: RD #2010-0025

Board member, Dean Farrand, recuses himself from this project.

Renu A. Shevade, Attorney from Day Pitney and Peter Tardy, PE from French and Parrello, appeared for this project. Discussion was held regarding the decibel level of the generator. It was determined that unless there was a state of emergency where all local power was out, the generator would only be run for testing once per week, during daylight hours, usually between 10:00 a.m. and 2:00 p.m. when the decibel level is under the maximum requirement. The applicant agreed to this limitation. After further discussion the Board determined that it would be preferred to have the natural brush and trees that are already in existence remain instead of planting new trees which would require maintenance.

ON A MOTION MADE BY JOHN VAN ETEN, SECONDED BY LYNN DOWE, APPROVAL OF THE SPECIAL USE PERMIT FOR NEW CINGULAR WIRELESS (AT&T) AT 196 REVONAH HILL ROAD WAS GRANTED. ALL IN FAVOR. APPROVED.

Board member, Dean Farrand, returns as active member.

Eugenio Scarpelli
2 Lot Subdivision
Dessecker Road
SBL 24.-1-21
Zone: RD #2011-0001

Eugenio Scarpelli appeared for this project. Mr. Scarpelli presented the Board with new maps showing the topography as the Board requested at the last meeting.

After a short discussion, it was determined that the file was complete.

ON A MOTION MADE BY JOHN VAN ETEN, SECONDED BY DEAN FARRAND, APPROVAL OF THE 2 LOT SUBDIVISION FOR EUGENIO SCARPELLI WAS GRANTED. ALL IN FAVOR. APPROVED.

Robert Head
Subdivision
429 Willi Hill Road
SBL: 38.1-31.2 and 31.3
Zone: AC #2010-0007

Joseph C Woods appeared for this project. New maps were provided to all the Board members. After a short time spent checking, all Board members accepted the new maps.

ON A MOTION MADE BY JOHN VAN ETEN, SECONDED BY DEAN FARRAND, APPROVAL OF THE LOT IMPROVEMENT FOR ROBERT HEAD WAS GRANTED. ALL IN FAVOR. APPROVED.

Camp Agudath
Special Use Permit
144 Upper Ferndale Road
SBL: 29.-1-25
Zone: RS #2010-0027 (1)

Jim Ward appeared for this project. Board members checked the maps and the file. Attorney Garigliano read SEQR.

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

A public hearing will be held on March 1, 2011. Project to be sent to County Planning for 239 review.

Camp Agudath
Special Use Permit
144 Upper Ferndale Road
SBL: 29.-1-24.1
Zone: RS #2010-0026 (2)

Jim Ward appeared for this project. Board members checked the maps and the file. Attorney Garigliano read SEQR.

ON A MOTION BY LYNN DOWE, SECONDED BY JOHN VAN ETEN, A NEGATIVE DECLARATION WAS DECLARED. ALL IN FAVOR, APPROVED.

A public hearing will be held on March 1, 2011. Project to be sent to County Planning for 239 review.

Camp Bais Yaakov
Special Use Permit
Stanton Corners Road
SBL: 46.-1-57
Zone: RD #2010-0029

Yosef Newhouse appeared for this project. Board members discussed the new map and told Yosef it was a huge improvement.

Attorney Garigliano read SEQR.

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

A public hearing will be held on March 1, 2011. Project to be sent to County Planning for 239 review.

Lake Marie Homes
Subdivision
Lake Marie Road / NYS Route 52
SBL 35-2-7
Zone: RD / SC #2006-0039

Ron Cobb of Hawk Engineering and Applicant, Paul Savad appeared for this project. After a discussion it was determined that the Board members were unhappy with the Homeowners Agreement ("HOA") submitted at this time. There were several typographical errors and no covenants listed with square footage, minimum and maximum housing allowed, architectural guidelines, junk cars, anything like that. Nothing to show what would happen if only three lots

were developed and the roads not done. It was mentioned that the Planning Board should not be the writer's proofreader and that it is replete with incorrect references and needs to be cleaned up.

Paul Savad said that he did not write the HOA. He said a Mr. Schiff wrote it and that he would withdraw the HOA and re-submit it.

Chairman Deutsch said, "We all of us take this very seriously. We took a lot of our time to wade through this and we'd appreciate a little bit more effort to be put in if you're going to submit it to us. No comment is not a sufficient response"

Paul Savad said, "There have been a series of mishaps for almost a year while we were talking about the Loomis plant. We filed in 2006, this will be resolved. We had submitted our lots based on your recommendations. This will be straightened out.

Attorney Garigliano said, "I'm still confused about the lots. I mean most of these lots, now, I can take lot #1 and find it and make sense of it. But when I get to lots 30, 31 and 32 which is a lot that's labeled, should that just be 31. Is that all that's wrong?"

Dean Farrand said, "I believe 32 is supposed to be 31, that's the way I took it."

Attorney Garigliano said "Well I didn't want to make that assumption without somebody."

Dean Farrand said, "We had asked at last meeting that this table have a buffer area as part of the net lot calculation and it's still not in there."

Attorney Garigliano said, "Referring to maybe premature but at some point we're going to have to start referring this over to Ken and the Town Board for financial guarantees and some of that is becoming more clear and other parts are not becoming more clear. The parts that are not clear are the parts about the extent the amenities will be committed to in the HOA document so if you commit to certain amenities, you're going to have to either build them or bond them."

Paul Savad asked Walter if he got the draft of the maintenance agreement and sewage treatment facility.

Attorney Garigliano said, "I sent it to Ken Klein who will be the reviewer on behalf of the Town Board. Ken has it. But that's one part of the financial guarantees. You have that, you have the roads, you have the storm water infrastructure, most of which is passive, but there's a couple of items that Tom pointed out and I think John pointed out that require some active management by the HOA and then you have the amenities. Isn't that the group of things that we need to deal with in terms of the Town Board? And it's not clear to me based upon...we'll take another look at the offering plan when we get it, but appears to conflict with the map."

HASC, INC.
Special Use Permit
Old Route 17
SBL: 12-1-26.1
Zone: RD #2010-0028

Sam Kahn and Bernie Kahn appeared for this project. After a short discussion on traffic and parking, Randy Wasson appeared. He was asked how many parking spaces he could fit in the designated area. He said probably 20.

Attorney Garigliano read SEQR.

ON A MOTION BY JOHN VAN ETTEN, SECONDED BY LYNN DOWE, A NEGATIVE DECLARATION WAS DECLARED. ALL IN FAVOR, APPROVED.

A public hearing will be held on March 1, 2011. Project to be sent to County Planning for 239 review.

Eva Schwimmer
Special Use Permit
245 Ferndale Loomis Road
Unit # 49
SBL: 41.-1-9.8
Zone: RD #2010-0019

Randy Wasson appeared for this project. The Board received copies of the Resolution granting the Area Variance from the Zoning Board of Appeals. After a short discussion it was determined that this was a Type II action.

ON A MOTION MADE BY LYNN DOWE, SECONDED BY RAY KELLY, BASED UPON THE RESOLUTION BY THE ZONING BOARD OF APPEALS, APPROVAL OF THE SPECIAL USE PERMIT FOR EVA SCHWIMMER OF UNIT #49 AT HILLCREST ESTATES WAS GRANTED. ALL IN FAVOR. APPROVED.

NEW BUSINESS:

Davidson Sullivan Realty LLC
Lot Improvement
Aden Road
SBL: 23.-1-31.3
Zone: RD #2011-002

Michael Woods appeared for this project. The Board asked what type of septic system there would be. Michael Woods stated that the septic system would be a pump system. After a short discussion, it was determined that the maps and the file met the criteria for a Lot Improvement.

ON A MOTION MADE BY JOHN VAN ETEN, SECONDED BY DEAN FARRAND, APPROVAL OF THE LOT IMPROVEMENT FOR DAVIDSON SULLIVAN REALTY LLC WAS GRANTED. ALL IN FAVOR. APPROVED.

Samuel Goldberger / Green Acres Cottages Inc.

Special Use Permit
20 Denman Road
SBL: 30.-1-90.3
Zone: SC #2011-003

Secretary, Nancy Saucier explained to the Board that Lisa of Kelly Engineering called to say she could not attend as she wasn't well. Mr. Goldberger called to say he didn't think he could make it up here in time. The Board looked at the map and agreed that since it was an amendment to the map approved on December 7, 2010 the project could proceed to the next step.

A public hearing will be held on March 1, 2011. Project to be sent to County Planning for 239 review.

Resolution

Dean Farrand passed out copies of the draft resolution to the Board members. After they had a short time to review it a short discussion was held. It was determined that in paragraph (2) the words "change of use" should be removed and a limit of 750 feet should be used in place of 2,500 square feet. Paragraph (2) it should read in part: "...where an addition is lesser than either 750 square feet in size or 25% of the floor area..." The remaining part of paragraph (2) was still under discussion. The Board members will discuss that and the remaining draft resolution at the next meeting.

ON A MOTION BY DEAN FARRAND AND SECONDED BY LYNN DOWE, THE MEETING WAS ADJOURNED AT 9:15 PM.

Respectfully submitted,

Nancy Saucier, Planning Board Secretary

The foregoing represents unapproved minutes of the Town of Liberty's Planning Board from a meeting held on February 15, 2011 are not to be construed as the final official minutes until so approved.

 X Approved as read