

**TOWN OF LIBERTY
PLANNING BOARD MINUTES
March 2, 2010**

MEMBERS PRESENT

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

ABSENT

ALSO PRESENT

Walter F. Garigliano, Town Attorney
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 DEAN FARRAND AND SECONDED BY JOHN VAN ETTEN,
THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR FEBRUARY 2, 2010.**

OLD BUSINESS:

Eisdorfer / Executive Estates

Re-approval for extension of approved Subdivision

Liberty Road

SBL 40-1-21.1, 21.2 & 22.1

Zone: RD / RS #2006-0031

Jacob Billig appeared for this project. It was explained that CEO Mark Van Etten sent this project back to the Planning Board for re-approval because he believed they had not started working on the site. Jacob explained that he had a telephone conversation with Mark earlier in the day detailing the work that has been done and also that the applicant had paid the Town \$126,000.00 dollars for work on the water and sewer for the project. Infrastructure, roads and foundations, drainage, stump removal and swales have also been worked on. Mark said that the applicant had come to him to renew the building permit to start work in the spring. After a short discussion it was determined that enough work has been done on the site that no re-approval would be needed. Mark concurred, stating that he did not receive that information until earlier that afternoon. Jacob Billig thanked the Board and then left.

Jay Zeiger stood and said he had been looking for Town Code wherein it stated the time frame for expiration of site plan approval and could they discuss where such Code

appeared. He said he found a document on the Town website where it said three years. Attorney Garigliano said that was not Code and not a valid time period. That as a rule, the Board believed it was two years with two six month extensions. It was explained to him that it would be addressed when he appeared for his project and the Board would stick to the order of the agenda.

White Sulphur Homes
Subdivision
White Sulphur Road
SBL 38-1-43 & 34.12
Zone: AC / RS #2006-0038

Ron Cobb of Hawk Engineering appeared for this project. He said there were no changes to his maps since his last appearance. Chairman Deutsch listed several of the issues raised by Town Planner, Tom Shepstone. Lynn Dowe asked if Mr. Cobb had received the letter. Secretary, Nancy Saucier said yes he had. Attorney Garigliano read the comments aloud and comments were made by the Members. 1. A non-issue if 25 feet was used. 2. SWPPPS - would be in the HOA which Mr. Cobb stated that Mr. Savad was working on. 3. The site distances and intersections were done by Leonard Jackson & Associates will be submitted. 4. The driveway was not an issue for the Board. 5. The HOA documents would follow Town Board protocol once they were received. 6. Declaration of covenants and restrictions would deal with the easements unless they were owned by someone else. This also would be coming from Mr. Savad. The Board proceeded to the next project.

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

Ron Cobb of Hawk Engineering appeared for this project. After a very short discussion, it was determined that of the seven comments from Mr. Shepstone in this project, four were waiting on the lawyers for the applicant. Mr. Cobb said that Mr. Savad wanted to know why the Board wanted the architectural plans at this time. The Board explained that they were interested in the quality of construction, the size and scope. It was also pointed out to Mr. Cobb that the list of drawings was not updated.

Both projects will be back once more information and documentation is gathered.

Shaarei Beracha, Inc. f/k/a Aron Suleymanov
Special Use Permit – Information Only
1463 Briscoe Road
SBL: 45.-4-1.2
Zone: RS #2009-0030

Attorney for the applicant, Jay Zeiger, appeared for this project. He reiterated his letter stating that:

“...the applicant has agreed to amend that application to eliminate the residential use for the property. Although the applicant remains of the opinion that a residential use for a Synagogue is a permitted accessory use pursuant to the Town of Liberty Code and applicable New York State Law, the applicant has determined not to pursue this matter further at this time.”

Mr. Zeiger said the applicant would be keeping the synagogue on the first floor and there would be no resident. It would be a single use. Attorney Garigliano asked that it be on the plan. Dean Farrand expressed his concern for a synagogue with 14 to 15 people using it in a residential neighborhood and wondered if there was another location feasible and read Article VII - Special Use and Site Plan Review paragraph 84-27 C:

“The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood,

traffic conditions, parking, public improvements, public sites or right-of-way, or

other matters affecting the public health, safety and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the Comprehensive Plan, this Chapter, or any other plan, program, map or ordinance of the Town of Liberty or other government agencies having jurisdiction to guide growth and development.”

Jay Zeiger said that synagogues were most always in residential neighborhoods and that the applicant shouldn't need to purchase another property when he already had one available.

Denise Birmingham asked if it was okay to use the private road. Randy Wasson said yes it was created for the subdivision originally, which lot where the proposed synagogue is located is a part. There is also no exit on the East side but adequate egress at Lake View Drive.

Lynn Dowe said if they meet Code requirements, so be it.

Attorney Garigliano read the SEQR.

ON A MOTION MADE BY JOHN VAN ETEN AND SECONDED BY RAY KELLY, A NEGATIVE DECLARATION WAS DECLARED ON THIS PROJECT. ALL IN FAVOR. APPROVED.

This project will be sent for a 239 review and is to be scheduled for a public hearing on April 6, 2010.

NEW BUSINESS:

Lucy Wilbur
Lot Improvement
87 Elk Point Road
SBL: 16.-1-7.1 & 7.2
Zone: RD #2010-0001

Robert Wilbur appeared for this project. He explained that he wanted to give his son a portion of the property for a lot and that he (Robert) would be inheriting the 25 + acres attached to his own property upon his mother, Lucy Weber's, demise. After a short discussion wherein it was determined that the map was missing several items and showing the proposed subdivision from the following project, Member Denise Birmingham drew on a copy of the map to show Don Viele in his absence what the Board was looking for. It was determined that a 50 foot roadway would be allowed for on the easterly side of the property for the lot improvement.

Attorney Garigliano read the SEQR.

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

This project will come back for a public hearing on April 6, 2010.

Lucy Wilbur
2 lot Subdivision
87 Elk Point Road
SBL: 16.-1-7.1
Zone: RD #2010-0002

See above project.

Congregation Chazon Yechezkal
Lot Improvement
State Route 55 / County Route 15
SBL: 36.-1-10 & 11
Zone: RH #2010-0004

Randy Wasson appeared for this project. He started by explaining that he had been before the Board on this project in December of 2009 and that there were issues with the placement of five buildings. After a short discussion, it was determined that this should be classed as a subdivision, not a lot improvement. Also because of the split zoning - RH/RS - it was suggested that Randy go before the Town Board to see about getting the RH excluded and covered with RS. Dean Farrand had pointed out that the Town would soon be excluding the RH zone altogether throughout the Town.

Swan Lake Gardens
Special Use Permit
207 Stanton Corner Road
SBL: 46.-1-53.3
Zone: RD #2010-0005

Randy Wasson appeared for this project. He explained that they wished to replace old buildings with new buildings which would be two family buildings, some with 2 bedroom units and some 3 bedroom units. They would also be building a new shul and removing the old one making the corner where the current shul is located with better site distances. Randy said that the tables on the plan show wastewater calculations which are okay for their SPDES permit and that they are not adding units or population. Dean Farrand said he was concerned with the density calculation. Density is the number of units. Randy was asked if the buildings would be single or double story. He said they would be single story buildings. He was asked if they were going to have full foundations, slabs or what. Randy said they would be built on piers. The applicant is hoping to start work this season. After a discussion it was determined that it would be better for the applicant to show just up to four units to be built this season and have them approved rather than all the proposed changes to be made. It was further discussed as to whether to use the bungalow colony guidelines or the PUD guidelines and whether the applicant would go with the bungalow colony guidelines wherein it was stated that the setbacks would be 75 feet or no greater non-conformity with 20 feet minimum between buildings as opposed to 25 feet for multi-family.

CEO Mark Van Etten expressed concern that if the Town no longer allows bungalow colonies as a permitted or special use as of May of 2007, should the Board even consider the bungalow colony code. It was discussed and determined that Attorney Garigliano would further research the issue.

ON A MOTION BY JOHN VAN ETTEN AND SECONDED BY DEAN FARRAND, THE MEETING WAS ADJOURNED AT 9:20 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 March 2, 2010 are not to be construed as the final official minutes until so approved. _____ Approved as read