

**TOWN OF LIBERTY
PLANNING BOARD MINUTES
March 5, 2013**

MEMBERS PRESENT

Lynn Dowe, Chairman
John Van Etten
Denise Birmingham
Vincent McPhillips
Judy Siegel
Lydia Rolle

ALSO PRESENT

Mark Van Etten, Building CEO
Charles Barbuti, Supervisor
Walter Garigliano, Town Attorney
See attached sign in sheet

CHAIRMAN LYNN DOWE CALLED THE MEETING TO ORDER AT 7:00 PM.

ON A MOTION MADE BY JOHN VAN ETTEN AND SECONDED BY VINCENT McPHILLIPS, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR FEBRUARY 5, 2013. ALL IN FAVOR, APPROVED.

ON A MOTION MADE BY JUDY SIEGEL AND SECONDED BY JOHN VAN ETTEN, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR FEBRUARY 21, 2013. ALL IN FAVOR, APPROVED.

PUBLIC HEARING:

**Gabriel Eisen (Hillcrest Estates)
Special Use Permit
Ferndale Road – County Rd. 71
SBL: 41.-1-9.8
Zone: R-1 #2013-0006**

24 hearing notices were sent, 15 green cards received, 2 returned and 7 outstanding.

Chairman Dowe asked if there was anyone from the public who had any questions or comments.

There was no response from the public.

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

David Tucker, Architect is present for this matter. Mr. Tucker explains that the applicant has built a 24' X 24' storage building to house their lawn mowers and equipment without Planning Board approval and a building permit. Mr. Tucker explains that there are no utilities in the building and it is used just for storage.

Chairman Dowe advises that it meets the setbacks and everything appears to be in order. The project was sent out for 239 review but to date no response has been received. Attorney Garigliano explains that the Board cannot act on the project without the 239 review comments unless 30 days has passed which in this case it has not, so it will be on the agenda for next month for approvals.

Weitsman & Son of Liberty, LLC
Special Use Permit
Sheehan Road
SBL: 18-1-31 & 18-1-36.2
Zone: IC #2011-0021

PLANNING BOARD MEMBERS, JOHN VAN ETTEN AND DENISE BIRMINGHAM RECUSED THEMSELVES FROM THE FOLLOWING PROJECT BEFORE THE BOARD.

Chairman Dowe asked if there was anyone from the public who had any questions or comments.

Jeffrey Cohen read to the Board his comments, giving a copy of same to the Secretary. They are attached at the end of the minutes.

Mark Van Etten spoke. He stated that for the record he would like to speak as a landowner. He stated that he is in favor of the project and that we need all the jobs that we can get here. However, he has a little bit of trouble with them opening Sheehan Road to truck traffic as that road cannot handle hundreds of trucks a day. Mr. Van Etten also expressed great concern about the sight distance coming off the exit onto Old Route 17. He advised that there have been 14 accidents with one (1) fatality there that he is aware of. He explains

that his family has owned property there since the 1800's and there has been 4 different changes to Route 17 and it has affected his property every time.

Dan Ratner spoke. Mr. Ratner advises that he knows that there has been a lot of concerns raised but he thinks that the applicants have addressed most of the complaints and questions over the last year and a half. He feels that this is a burden that was placed on the applicants who decided to invest money in this area and that they have been scrutinized more than airport security and they have come up clean. He states that if we are going to move forward into the 21st century, we have to move forward in a viable community that can pay their taxes, afford our utilities, make improvements and make a better life for our children, grandchildren and even our great grandchildren. We can't think about tomorrow or next week we have to think 10 years or even 100 years from now. All of the concerns that are raised, whether they are environmental or traffic control, all of these things are governed by laws, rules and regulations which this applicant has to abide by and I'm sure the people in this room are going to make sure that he abides by the rules. He states that he thinks that this project is a good project for the community. It does have draw backs but we have the regulatory processes and the people in place to protect us from that. Mr. Ratner goes on to say that he would ask the Board to consider the 4 corners of the page, if the applicant has met the requirements, is prepared to meet the requirements, then this application should be approved and this company allowed to move forward.

Charlie Barbuti states that he is in favor of the project and feels that it comes with a lot of plusses to the community. He feels that it will help increase our assessments which will mean if we can continue to do that type of thing it will make us able to provide the services we need to without absorbing it into tax increases. The second thing it brings is jobs to the community and it will bring traffic into the north end of Town.

Timmie Edwards spoke. Mr. Edwards advises that he has the only residence on Sheehan Road and he would like to know what is going to be done about traffic control because he has three small children who have to walk to and from the school bus stop every day. He also advises that it is his understanding that they would like to put a fence around his property and that he is not going to allow it. So he feels that they will have to figure out another solution.

Helene Rothstein spoke. She advises that she is an adjoining homeowner and that she feels that there are a lot of other options other than using Sheehan Road. She does not feel that it is big enough and it would definitely interfere with the other properties. She feels that they should go for a different option as far as an entry.

Page Rothstein states that he and Helene have a residential garage on Sheehan Road that is very close to the road.

Branden Reeves spoke. Mr. Reeves explains that he graduated from Liberty High School in 2009 and since then has watched all of his friends move away. He advises that he feels that this project would be a huge benefit for the Town. It would be more jobs, part time or

fulltime, whatever they may be, they are jobs which is something that this Town does not flourish in. He feels that we cannot afford to push away another business that was eyeing up this Town. He states that as Dan Ratner brought up they have jumped through numerous hoops to stay here and he feels that they should not be pushed away.

John Nichols spoke. Mr. Nichols states that he has always been in favor of this project and any project like it. It brings jobs and a much needed tax base. He asks that they do consider all the residents' concerns in their planning and continue to work with the landowners in those areas but we cannot afford to lose a potentially million dollar assessed value property and a project that will employ people. We desperately need this in our Town and asks the Board to consider this as a positive project.

Benjamin Dowe states that he is a Town of Liberty land owner and tax payer and he definitely agrees that we need more tax paying industry to increase the tax base so that the rest of the taxes will stop going up. He states that he thinks that the Weitsman project should get approved and get the go ahead.

Maurice Gerry states that he is very impressed that there are young people that are interested in the future here and he thinks their comments are worth listening to. He explains that he has been on the Town Board for a long time and he hasn't seen an awful lot of interest from the young people because they graduate and leave. He hopes that there are more young people out there who are just as interested in staying here. He states that he knows that there are things that should be worked out for the other landowners and that is what he feels the Board should concentrate on, making it feasible to both sides.

Chairman Dowe asks if there is anyone else from the public that would like to speak. No response from the public. He then advises the public that they will have 10 days after the meeting to submit written comments and they will all be taken into consideration and reviewed. After the 10 day written comment period the project will be sent to the County for 239 review with all public comments.

ON A MOTION MADE BY JUDY SIEGEL, SECONDED BY VINCENT McPHILLIPS, THE PUBLIC HEARING WAS CLOSED. ALL IN FAVOR. APPROVED.

Attorney Howard Rittberg and James Tofte of Delta Engineering appeared for this project. Mr. Tofte explains that the Weitsman family will be paying for all improvements made to Sheehan Road. The road will be widened to 20' and it will be overlaid with 2" of new material and they are going to extend beyond that to where Sheehan Road ends and continue it to their property. They are going to dedicate a 50' wide right-of-way to the Town. Mr. Tofte also explains to the residents that they do not plan to fence anyone in as he heard earlier in the comments. Mr. Tofte explains that it is still going to be a public road and there will probably be an average of 6 truckloads of materials a day. Most of the traffic is going to be peddlers bringing their scrap in for cash which will probably be mini vans and pick-up trucks. Mr. Tofte explains that the road improvements will include transitioning of existing driveways to the existing home and garage. He advises that the contractor will get

permission from the landowners to improve the driveways so that they will meet the road correctly. Mr. Tofte advises he would like to address one (1) of the comments made. Mr. Tofte explains that the sight will not be visible from the highway. The Town requires a buffer and the DOT owns a lot of wooded land between the site and the highway. Mt. Tofte goes on to explain the process that will take place on sight.

Attorney Garigliano advises that the project along with the minutes and public comments will be sent to the County for 239 review.

Kelly Bridge Road Developers Corp

Special Use Permit

Kelly Bridge Road

SBL: 40.-1-1.1

Zone: RD #2009-0027

Glenn Smith appeared for this project. Attorney Garigliano advises that the Board had requested a landscaping plan, a lighting plan and Town Board approval for the transportation corporation. Mr. Smith has submitted these plans and advises that the transportation corporation is in the works. Mr. Smith explains that this matter has been in front of the Board for quite some time and has all been approved by the Board, has DEC and DOH permits and the only change is new owners who have asked for the project to be laid out a little differently than the previously approved plan.

After reviewing the new plans and a brief discussion the Board has determined that this matter will be scheduled for a public hearing at the April meeting.

Promise Ministries International c/o Peter Park

Special Use Permit

Scheibe Road (Town Road #17)

SBL: 25.-1-16.5

Zone: RD #2012-0015

Jacob Billig is present for this matter. Mr. Billig explains that he is present to update the Board and answer any questions they may have. Mr. Billig advises that a traffic study was conducted and submitted for review by the Board. He advises that the traffic study states that there would not be any real impact but there were some recommendations made such as a pace car to lead the busses out of Scheibe Road for the first year to see if it would be needed. There is a brief discussion regarding the traffic study. Mr. Billig advises that a business plan will be submitted for review also.

There was a brief discussion regarding the project and it was decided that the matter will be scheduled for a public hearing at the April meeting.

Swan Lake Hills
Special Use Permit
Stanton Corners Road
SBL: 46.-1-53.3
Zone: R-1 #2013-0004

Terry Forman appeared for this project. Mr. Forman explains that a resolution was adopted by the Town, monies were put into escrow and the Temporary Certificates of Occupancy were issued and everything is now in line to have the compactor installed. He advises that Randy Wasson has submitted an amended plan showing that they would like to replace five of the proposed buildings as part of phase I to get the project rolling. The five buildings being J, L, M, F and a storage room addition on the day camp building.

There was a brief discussion regarding the septic system that is located on a separate parcel and Mr. Forman advises that he will submit a copy of the agreement between the property owner and Swan Lake Hills.

Attorney Garigliano advises that the project meets the minimum requirements for a site plan approval and that the matter will be scheduled for a public hearing. The matter will also be sent for 239 review.

Michael Stoddard & Joseph David
Special Use Permit
40 Frankie Lane
SBL: 35.E-1-14 & 15
Zone: SC #2013-0010

Mr. Stoddard and Mr. David appeared for this project. Mr. Stoddard explains that they have an 8,000 sq. ft. building in which he and his business partner would like to open an indoor Flea and Farmer's market for the summer. He explains that it would be open the weekend before Memorial Day and close the weekend after Labor Day. Mr. Stoddard explains that they would like to have approximately 50 booths with 10 being for the Farmers Market and the remaining 40 for the Flea Market. Mr. Stoddard has proposed to use about 7,000 sq. ft. of the building, 5,000 sq. ft. to be used for the Flea Market and 2,000 sq. ft. for the Farmers Market. Attorney Garigliano explains that this is clearly a 7,000 sq. ft. use in a zone that only allows 5,000 sq. ft.

After a discussion the applicant advised that he would reduce the 2 uses down to 5,000 sq. ft. and will submit new plans showing the changes.

Attorney Garigiano advises that if new plans are submitted the matter will be scheduled for a public hearing at the April meeting.

Albert Bitjeman
Lot Improvement
Triangle Road

PLANNING BOARD MEMBER, DENISE BIRMINGHAM RECUSED HERSELF FROM THE FOLLOWING PROJECT BEFORE THE BOARD.

Denise Birmingham is present for this matter. Denise explains that Mr. Bitjeman has recently purchased a piece of land located in the Town which is owned by the NYS DOT and he would now like to do a lot improvement and add it to his existing parcel which is in the Village. Denise explains that a portion of the existing building and the fuel oil tanks are located on the piece of property that Mr. Bitjeman just recently purchased and that is the reason for the lot improvement.

After a brief discussion it is determined that due to Mr. Bitjeman's other properties being located in the Village that he should petition the Town and Village to annex the new parcel into the Village. Attorney Garigiano advises that a condition of the annexation can be that once the parcel is annexed into the Village it becomes part of Mr. Bitjeman's existing lot.

ON A MOTION BY JUDY SIEGEL AND SECONDED BY JOHN VAN ETEN, THE MEETING WAS ADJOURNED AT 8:45 PM. ALL IN FAVOR. APPROVED.

Respectfully submitted,

Tammy Wilson, Planning Board Secretary

The foregoing represents unapproved minutes of the Town of Liberty's Planning Board from a meeting held on March 5, 2013 are not to be construed as the final official minutes until so approved.

X Approved as read.

Public Hearing 3/5/2013

Good evening Mr. Chairman and board members and thank you for allowing the public to be heard.

I am here tonight to express a deep concern about the direction the Town of Liberty is heading. After reviewing the Town of Liberty minutes and past laws, why all of a sudden such a dramatic change of heart should occur is beyond me. About ten years ago it seemed to me that Liberty wanted to move into the 21st century and get away from the direction that it had been following for all those years. The old ways just weren't working. One of the first things the town tackled was passing a junkyard law; because they didn't want anymore junkyards and wanted to keep the existing ones where they were. The law as written clearly states the intent of both these points, and for good reason.

The statutes reads, "The Town of Liberty, for the purposes of preventing damage to the rights of adjacent landowners and promoting the interests of the community as a whole in retaining a clean and attractive environment conducive to a high quality of life and the promotion of tourism, hereby prohibits the establishment of new junkyards within the Town." Who wrote this and why have we gotten away from those ideas?

Over the next several years that followed the town changed the zoning on well over 100 parcels along Route 17 from IC to Residential, keeping within this new direction. Then in 2006 a master plan or comprehensive plan committee was formed to create a future vision of how we all wanted the town to develop over the next twenty plus years. When surveyed, the residents of the town overwhelmingly wanted to keep the rural character and make the town more attractive to tourists. The resulting plan was finally adopted in 2008. I know everyone on the board has read the comprehensive plan. It probably now would be a good time to read it again. In that plan the first three objectives in order of importance for economic development out of eleven listed states:

- 1) Work towards a diversified tourism industry with a balanced mix of year round activities.
- 2) Preserve and protect historic sites and landscapes to foster stewardship among Liberty's residents
- 3) Promote an attractive image of Liberty to tourists

This committee also started to work on a zoning map to take all these factors into consideration and in 2011 adopted that map. In that zoning an R-2 zone was created just outside the village to allow growth outward and keep that growth close to the main city center. The only way to keep a village vibrant is to have a population to service it. In this R-2 district individuals are permitted to build a house on 7000 sq ft. That translates into over four houses per acres. By this action the board thus created a much needed zone of affordable housing. It's much more affordable to buy ¼ acre of land to build a house on then other districts where you need many more acres of land, plus this area is serviced by municipal water and sewer additionally lowering the barrier to entry of new families to move into the area and children of existing families to stay.

Unfortunately, if this scrape yard goes into this location which is adjacent to this R-2 district, in essence the board would be approving the creation of a dead zone where there would not be any new affordable residential growth because nobody is going to want to build there or live there. Even the town's bulk and use table states:

"IC-Industrial commercial: This district is intended to provide areas within the town for the development of job producing business and industrial uses where such enterprises can be assured that their activities will not be in conflict with residential uses. Development of this zone should reflect the rural quality of the town and should follow design guidelines to ensure buildings are compatible."

Charlie Barbutti, at the last public hearing in July of 2012 on this project, brought up the point of establishing a diverse local economy; which happens to be number 10 on that list of economic objectives. By locating heavy industrial uses in multiple locations throughout the town, residential growth will suffer greatly and this does not provide the foundation for a diverse economy and a growing community. Areas need more than just industrial growth; communities survive and prosper with a growing population. Locating the scrap yard in this location would cause a domino effect and an imbalance to that growth.

Ironically, last November 2012 the executive director of the CDC reported to the Town Board on the Liberty Gateway Project. He met with Sullivan Renaissance and Catskill Mountainkeeper to exchange ideas on how to improve the appearance of Liberty between exit 99 and 100 on Rt. 17. So now on one hand, we are recognizing a problem with appearance along the highway corridor and want to mitigate and clean the area up and on the other hand we are creating a new disturbance by having a scrap yard on the side of a mountain along the main thoroughfare for all the travelling public to see. Could someone please explain how these conflicting ideas are being pursued by the same board at the same time?

After reviewing the file on this project I have a number of questions that I was hoping the board could review and answer:

- 1) In the deed for the property where the scrape yard will be located the 33 ft right of way being used to access this property is public. If you go to Google maps that right of way is shown as an existing road. Under what conditions can a public right of way be made private and what process is required for the approval of this change in status?
- 2) Mr. Chase stated 8 months ago on Aug. 3, 2012 in his comments from the last public hearing that reviews from the county and the NYSDOT have not been received. As of this date a 239 review from either has yet to be received. It is very important that this project be review by both the county and the NYSDOT and the public should be entitled to comment on those reports. Why has no review been done even though they are required?
- 3) Knowing that junked, full size cars are going to be brought to the proposed scrap yard. What methods are going to be used to process the full size cars into crushed smaller sized scrap? How much noise will this generate?

- 4) The proposed hours of operation will be from 7am to 6 pm Monday-Friday, 7am-3pm Saturday, and 8am-1pm on Sunday. Considering the large number of full time residents living very close to the proposed site, such that the true community character is more residential than industrial, I think the hours of operation should reflect that. How can we work together to discuss scaling back the hours to minimize disturbances to those living in the area?
- 5) Who is going to pay for the road improvements and the new road extension on Sheehan Rd? I don't think tax payers should be held accountable to foot the bill.
- 6) What will be the environmental impact of all the wildlife being chased off that property and where will they go? Has an appropriate environmental analysis been carried out for this proposed use at this site?
- 7) Who is going to be responsible for regulating how contaminated the scrape can be before it is too toxic to treat at this site? It is my understanding that this is going to be considered a hazarded waste removal recycling site. Will the local community first responders be trained and equipped to handle a spill? And is there a management plan to control and clean up a spill of a greater magnitude?

In conclusion, the truth of the matter is this is not about me and it's not about you or even Ben Weitsman. It's about the town of Liberty and the people who live and work here. All any of us want is for Liberty to be a better place. I think everyone in this room if you truly care, over the next week or so should go out to exit 99 and stand on White Rd Bridge and look north up Rt. 17 going to Parksville. Notice all the traffic on Rt. 17 it's becoming a very busy highway. Now look over to your left at the side of the mountain imagine a large industrial scrape yard sitting on the side of that mountain. Is this what you think is going to make Liberty a better place over the next five or ten years? Are all those cars and trucks driving by going to think Liberty is a great place, where they are going to want to stop and possibly some day want to do business or live? I'll tell you the answer; it's absolutely not. I'm not saying Ben Weitsman is not welcome in this town he is more than welcome I just think in a less obvious place would be better. You now have two approved industrial parks looking for tenets south of the village in the large industrial district. For the betterment and preservation of the town these areas would be much more suitable places to site a scrap yard as they are currently utilized for much more similar uses. As the comprehensive plan states "What now needs to be done is define where we have been, where we presently are, where we want to go, and how we plan to get there". I hesitate to think that someday soon we will be known as the Junkyard Town.

Respectfully submitted,



Jeffrey Cohen