

**TOWN OF LIBERTY
PLANNING BOARD MINUTES
APRIL 1, 2008**

MEMBERS PRESENT

Lynn Dowe, Acting Chairman
Jon Sutherland
Ray Kelly
John Van Etten, alternate
Peter Stettner, alternate

ABSENT

Diane S. Deutsch, Chairman
Dean Farrand

ALSO PRESENT

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

ACTING CHAIRMAN DOWE CALLED THE MEETNING TO ORDER AT 7:05 PM.

ON MOTION MADE BY JON SUTHERLAND AND SECONDED BY PETER STETTNER, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR MARCH 4, 2008.

PUBLIC HEARING:

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

12 notices were sent, 10 green cards were received.

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

No one appeared.

ON MOTION BY JOHN VAN ETTEN AND SECONDED BY JON SUTHERLAND, THE PUBLIC HEARING WAS CLOSED.

Usher Jalus and Alvin Adler appeared for this project. They brought new maps with changes according to Town Engineer, Glenn Smith's review. The Board asked that they wait until the end of the meeting so they would have time to look at what was brought to the meeting.

John Artuso
Subdivision
Swan Lake Road
SBL 44.-1-39.2
Zone: RS

Anthony Siciliano appeared on this project. It was discussed that the attorney for the applicant, Mike McGuire had sent the Road Maintenance Agreement ("RMA") to all the neighbors and none of them have signed the RMA. It was discussed that the RMA should cover at least three lots, even though two of the lots may be owned by one person and the responsibility of that person being two thirds. Siciliano was advised to go before the Town Board to obtain a wavier with regard to the road to approve it the way it is without meeting town specifications. The Board will be waiting to see what the Town Board says.

MOTION WAS MADE BY RAY KELLY FOR NEGATIVE DECLARATION ON SEQR, SECONDED BY JOHN VAN ETEN. ALL IN FAVOR. APPROVED.

BSD, LLC
13 lot Subdivision
Harris Road
SBL: 41.-1-27
Zone: IC/RD

Charles Bazydlo appeared for this project. It was discussed that the lead agency letters were sent out on January 11, 2008 and it has been more than 30 days and there has been no response, therefore the Planning Board will act as lead agency.

MOTION WAS MADE BY PETER STETTNER AND SECONDED BY JON SUTHERLAND THAT THE TOWN OF LIBERTY PLANNING BOARD DECLARES ITSELF LEAD AGENCY IN THE BSD, LLC SUBDIVISION APPLICATION. A VOTE WAS HELD 5 AYES – 0 NOS. MOTION APPROVED.

Mr. Bazydlo requested an resolution with regard to the motion. Attorney Garigliano explained that one will be provided for him. A discussion was held with regard to a long form EAF. Mr. Bazydlo will submit a long form EAF with an expanded Part III in time for a future Board meeting.

Steven Boniface
Pine Bush Equipment
Special Use Permit
NYS Route 52
SBL: 30.-1-100
Zone: SC

Alphonse Mecurio and Carrie Boniface appeared for this project. He explained that they made the asked for changes and asked if the Board had received a letter from the Town of Fallsburg with regard to the sewer. The Board has not. A letter from the NYS DOT has been received and distributed to the Board members. A color rendering was passed around for the members to see. It is in the file. Acting Chairman Dowe asked if it was going to be a steel frame building. Ms. Boniface said "probably". A public hearing will be scheduled for May 6th. This project will be sent for 239 review, while we are waiting for a letter from the Town of Fallsburg.

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

David Whitthohn from T.M. DePuy Engineering appeared for this project. The Board received the 239 review and a letter from the NYS DOT. A discussion was held with regard to the issue of a fence around the property. Member Peter Stettner said if the owner wants to take the responsibility, so be it. Member Ray Kelly said he thought it was a requirement. Code Enforcement Officer Mark Van Etten said that the area may be built up in the future. Ray Kelly said they could not impose upon them what "might" happen in the future. Attorney Garigliano said that when they do require a fence for safety issues, it is usually four to eight feet high. Peter Stettner reiterated his comment about the owner taking responsibility.

Attorney Garigliano read SEQR.

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

ON A MOTION BY RAY KELLY, SECONDED BY PETER STETTNER, THE BOARD GRANTED APPROVAL OF THE SPECIAL USE PERMIT. ALL IN FAVOR. APPROVED.

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

Deb Stickney appeared for this project. She explained the changes that were made according to the recommendations. Attorney Garigliano read SEQR.

MOTION WAS MADE BY JOHN VAN ETTEN FOR NEGATIVE DECLARATION ON SEQR, SECONDED BY JON SUTHERLAND. ALL IN FAVOR. APPROVED.

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

Hebrew Academy for Special Children
H.A.S.C.

Special Use Permit
Parksville Road – CR # 176
SBL: 12.-1-26.1, 38.1
12.-2-1
Zone: RD

Randy Wasson and Samuel Kahn appeared for this project. They explained that what they wanted to do was install a gazebo, two staff trailers and a petting zoo for autistic children that attended their camp. They would have village water and their own septic. Acting Chairman Dowe asked where would they be keeping the animals and were they aware of the requirements for animals which were more than just a couple rabbits and turtles. A short discussion was held with regard to the animals. It was explained that building #2 would be a small shed for the animals, and that they have been in contact with the Department of Health (“DOH”) and cooperative extension and is in the process of seeing about a permit from the DOH. Attorney Garigliano said that a note should be added that the utility services equal the village water and septics from prior trailers. Randy Wasson said he knows that there are regulations regarding e-coli and hand washing along with other issues of sanitation.

Mark Van Etten said he believed there were open building permits and that Mr. Kahn will be clearing them up by renewing. A public hearing will be scheduled for May 6th. It will be sent for 239 review when Randy submits the revised maps. Attorney Garigliano reminded Mr. Kahn to check with Seth Stein about the Industrial Development Agencies (“IDA”) requirements since they hold the mortgage in the event he should notify them of any changes in the property.

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

Randy Wasson appeared for this project. The Board was waiting for and has now received the 239 review from County Planning. Attorney Garigliano read SEQR.

MOTION WAS MADE BY JOHN VAN ETTEN FOR NEGATIVE DECLARATION ON SEQR, SECONDED BY JON SUTHERLAND. ALL IN FAVOR. APPROVED.

ON A MOTION BY JON SUTHERLAND, SECONDED BY JOHN VAN ETTEN, THE BOARD GRANTED APPROVAL OF THE SPECIAL USE PERMIT. ALL IN FAVOR. APPROVED.

Conte, Joseph & Maria
Lot Improvement
SBL: 15.-1-16.2
Zone: RD

George Fulton appeared for this project. He explained that the land was owned by two brothers and they wish to do this lot improvement so that they can separate their interests. A short discussion was held. Attorney Garigliano said all requirements have been met and there was no need for a public hearing or 239 review.

ON A MOTION BY RAY KELLY, SECONDED BY PETER STETTNER, THE BOARD GRANTED APPROVAL OF THE LOT IMPROVEMENT. ALL IN FAVOR. APPROVED.

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

Yosef Newhouse appeared for this project. He explained what he wants to do. A short discussion was held and it was determined that the Board would need a narrative from Mr. Newhouse better explaining the details of his proposed changes and also to show a location map on the site plan.

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

Usher Jalus and Alvin Adler appeared for this project and a discussion was held with regard to the project. Attorney Garigliano asked how they would be able to maintain striping on gravel. Mr. Jalus said they would just spray the stripes again. Attorney Garigliano asked if they will bond for blacktop. Mr. Jalus said he was already checking on contractors for paving the parking lot and if it is necessary they will put in paving and will stripe the paving. It was determined the following would be needed:

1. a guardrail would be needed along the side of the creek/stream at the edge of the parking lot;
2. a walkway in front of the building protected by bumper barriers which are pre-cast and pinned to the ground;
3. dimensions are to be shown on the site plan that are "to scale";
4. crusher run is to be used in the back parking lot;
5. applicant is to bond the parking lot.

Town Engineer Glenn Smith will be going out to the site to see review the matter.

ON A MOTION BY, PETER STETTNER SECONDED BY JON SUTHERLAND, THE BOARD GRANTED "CONDITIONAL" APPROVAL OF THE SPECIAL USE PERMIT WITH THE ABOVE LISTED FIVE CONDITIONS. ALL IN FAVOR. APPROVED.

ON A MOTION MADE BY JON SUTHERLAND AND SECONDED BY JOHN VAN ETEN THE MEETING WAS ADJOURNED AT 9:30 P.M.

APPROVED _____ N. Saucier