

**TOWN OF LIBERTY
PLANNING BOARD MINUTES
APRIL 1, 2014**

MEMBERS PRESENT

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

ABSENT

Branden Reeves

ALSO PRESENT

Walter Garigliano, Town Attorney
Mark Van Etten, CEO
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 JUDY SIEGEL,
THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR MARCH 4, 2014
WITH 4 MINOR CORRECTIONS. ALL IN FAVOR, APPROVED.**

Janky, LLC
Special Use Permit
1658 Briscoe Road
SBL: 44.-1-47
Zone: SC #2014-0003

PUBLIC HEARING

11 hearing notices were sent, 9 green cards back and 2 outstanding.

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

No one is present from the public.

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

Robin-Ann Realty
Special Use Permit
185-203 Old Loomis Road
SBL: 35.-1-67
Zone: R-1 #2013-0034

PUBLIC HEARING

24 hearing notices were sent, 20 green cards back, 2 outstanding and 1 returned.

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

No one is present from the public.

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

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

PUBLIC HEARING

29 hearing notices were sent, 24 green cards back, 3 outstanding and 2 returned.

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

Allen Werlau states all too often people come to these meetings to complain about construction or something that is going on. He is present as a resident of White Sulphur Springs and a business man in this Town and he advises that he whole heartedly supports this project as presented.

Mary Heinle states that she is a resident next to the project. She advises that at the May 23rd public meeting for the White Sulphur hamlet many came out and voiced their opinions and are now very satisfied that the new map made this area back into the Agricultural district and this now coincides with the Sullivan County AG District map. Mrs. Heinle advises the Board that there is no perk on this property and the water sits in spots on this acreage for 365 days a year. She believes that this area should be divided into larger lots as will be specified in the new AG district zoning. She feels with larger lots it would give the homes an area where they can put in their own septic systems and there would be fewer wells drilled. She explains that her number 1 concern is about the existing wells in the area and what will

happen to them. Her second concern is about the proposed sewage system and how long it will operate and who will be responsible if it fails. Her third concern is about the storm water areas (lots 19 & 27). She states that she would also like to know what type of homes will be built and what the selling prices will be. She asks that the Planning Board review all possible consequences as she does not wish to have her property or life further compromised and the project has already cost her thousands of dollars.

Patti Devoe explains that this project will completely surround her property and she is concerned about the standing water on the property. She also expresses concern about land and animal preservation.

Joe Alderesio advises that this is the first time hearing about the project and would like to know more about the project.

ON A MOTION MADE BY JOHN VAN ETEN, SECONDED BY JUDY SIEGEL, THE PUBLIC HEARING WAS CLOSED. ALL IN FAVOR. APPROVED.

Janky, LLC
Special Use Permit
1658 Briscoe Road
SBL: 44.-1-47
Zone: SC #2014-0003

Steve Kalka appeared for this matter. Attorney Garigliano advises that all of the issues and questions from the last meeting have been satisfied and the file is complete. 239 review was received from the County and it is a matter for local determination. Chairman Dowe asks if the applicant has the required distances between the telephone wires and the canopy. Mr. Kalka explains that the phone and cable lines do not have any clearance requirements. The maximum canopy height above grade will be 16'.

ON A MOTION BY JOHN VAN ETEN, SECONDED BY JUDY SIEGEL, THE SPECIAL USE PERMIT FOR JANKY, LLC WAS APPROVED SUBJECT TO THE MODIFICATION OF THE HEIGHT LIMITATION OF 16' ABOVE FINISH GRADE AND BELOW THE EXISTING LEVEL OF THE PHONE AND CABLE LINES. ALL IN FAVOR, APPROVED.

Robin-Ann Realty
Special Use Permit
185-203 Old Loomis Road
SBL: 35.-1-67
Zone: R-1 #2013-0034

Phil Dropkin appeared for this matter. Attorney Garigliano advises that the Board had asked the applicant for 2 things which was to research if there was an acreage requirement under NY State Law that governs private cemeteries and for copies of the deeds to be

submitted for review. The response to the questions was that there are no requirements for private cemeteries in NY State and the deeds were received and reviewed.

ON A MOTION BY JOHN VAN ETTEN, SECONDED BY DENISE BIRMINGHAM, THE SPECIAL USE PERMIT FOR ROBIN-ANN REALTY WAS APPROVED ALL IN FAVOR, APPROVED.

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

Attorney Garigliano advises that the Board is not going to take any action on this matter but will take the public comments that were received and draft questions to be sent out to the Town's review consultant so that complete answers can be received to the concerns that were raised.

Foxwoods Catskills Resort Casino
PUD
NYS Route 52 & Clements Road

Bill Kuhl of Saratoga Associates appeared for this matter. Chairman Dowe advises that there are 3 things to be done. The first thing is a resolution confirming the Town of Liberty Planning Board as SEQR Lead Agency; the second is a resolution for positive declaration and a resolution for draft scope. Attorney Garigliano advises that the first thing that he is passing out is a resolution that was adopted at a previous meeting which is the Resolution of Intent of the Liberty Planning Board to be lead agency for purposes of the coordinated review of the Foxwoods Catskills Resort Casino. Attorney Garigliano advises that the Planning Board Secretary on behalf of the Board coordinated sending out notices to all of interested and involved agencies. Attorney Garigliano explains that the first resolution for consideration is a resolution confirming that the Planning Board is Lead Agency for this project. He advises that support letters were received from the D.E.C. and the D.O.T. indicating that they felt that the project impacts were local and that the Planning Board was the proper Lead Agency. No other agencies have responded to that notice and more than 30 days have passed so the Planning Board can take action confirming that it will be Lead Agency for the coordinated review of this project.

ON A MOTION MADE BY JOHN VAN ETTEN, SECONDED BY JUDY SIEGEL THE BOARD UNANIMOUSLY ADOPTS THE RESOLUTION CONFIRMING THE TOWN OF LIBERTY PLANNING BOARD AS THE SEQR LEAD AGENCY FOR THE FOXWOODS CATSKILLS RESORT CASINO PROJECT. ALL IN FAVOR. APPROVED.

Attorney Garigliano advises that the next resolution that he has if adopted would suggest that the project may have an environmental impact and therefore requires that an environmental impact statement be prepared.

ON A MOTION MADE BY JOHN VAN ETEN, SECONDED BY DENISE BIRMINGHAM THE BOARD UNANIMOUSLY ADOPTS THE RESOLUTION DECLARING A POSITIVE DECLARATION WITH AN ENVIRONMENTAL IMPACT STATEMENT BEING REQUIRED FOR THE FOXWOODS CATSKILLS RESORT CASINO PROJECT. ALL IN FAVOR. APPROVED.

Attorney Garigliano advises that the first action the Board can take now that it has made a positive declaration with respect to the project is to consider the adoption of a draft scoping document. The scoping document would be in effect an index for the draft environmental impact statement. Attorney Garigliano explains that this is only a tentative draft and it would be subject to consideration of modification after the Planning Board has a public hearing. It is not mandatory that the Board have a public hearing but given the nature and scope of this project it is certainly wise both from a planning stand point and a legal stand point to have one. Attorney Garigliano advises that the document that he just gave the Board is the most recent draft of the document and the resolution that would accompany it is a resolution pursuant to which the Planning Board would adopt this as a draft scope for the project and it is again suggested that a public hearing be held so that the public has ample opportunity to provide comments and input on the scope. It was agreed that an appropriate time for that would be in about 3 weeks, which would be April 22 at 7:00 pm at the High School Auditorium but the location is subject to change if necessary. The other aspects of this resolution would establish a time during which anyone could provide written comments on the draft scope and that time as proposed by the resolution would be the close of business on April 30, 2014. Attorney Garigliano advises that the Planning Board Secretary publish the scope and this resolution in the Environmental Notice Bulletin and before the public hearing to send the notice to local radio stations.

ON A MOTION MADE BY JOHN VAN ETEN, SECONDED BY DENISE BIRMINGHAM THE BOARD UNANIMOUSLY ADOPTS THE RESOLUTION FOR THE DRAFT SCOPE FOR THE FOXWOODS CATSKILLS RESORT CASINO PROJECT. ALL IN FAVOR. APPROVED.

H.A.S.C.
Special Use Permit
Parksville Road
SBL: 12-1-26.1
Zone: RD #2014-0001

Chairman Dowe advises that the project was reviewed and all was ok except that the 239 review was not received back from the County. Chairman Dowe advises that the 239 review has now been received and it is a matter for local determination.

ON A MOTION BY JOHN VAN ETEN, SECONDED BY DENISE BIRMINGHAM, THE SPECIAL USE PERMIT FOR H.A.S.C. WAS APPROVED ALL IN FAVOR, APPROVED.

**Frank & Rita DeMayo
Lot Improvement
Ferndale-Loomis Road
SBL: 36.-1-64.2
Zone: R-1 #2013-0030
(Map re-signing)**

Chairman Dowe advises that this is a lot improvement that was approved in November but needs to be re-signed because the applicant did not file it with the County on time. Attorney Garigliano advises that there is no time limit on filing the maps but it is certainly in order to give them a re-approval because it will probably make it easier when they go to file it even though it is not necessary.

ON A MOTION MADE BY JOHN VAN ETEN AND SECONDED BY DENISE BIRMINGHAM IT IS DETERMINED THAT THIS IS A LOT IMPROVEMENT. ALL IN FAVOR.

**Alumatech Designs
Special Use Permit
433 Harris Road
SBL: 41.-1-35.2
Zone: IC #2014-0004**

George Alpert and John Labelle appeared for this matter. Mr. Labelle explains that Mr. Alpert owns a company called Alumatech Designs where they custom fabricates walls, windows and other architectural enhancements to buildings. Mr. Alpert is considering purchasing the building at 433 Harris Road and renovating the interior of the structure. Mr. Labelle explains that the Board had requested that the applicant have a site plan prepared which was done. Chairman Dowe asks the applicant if they plan to merge the properties as discussed at the previous meeting and the applicant advises that they do plan to merge the properties.

ATTORNEY GARIGLIANO READS SEQR INTO THE MINUTES.

ON A MOTION MADE BY JOHN VAN ETEN, SECONDED BY DENISE BIRMINGHAM, THE BOARD UNANIMOUSLY DECLARES A NEGATIVE DECLARATION ON THE ALUMATECH DESIGNS SPECIAL USE PERMIT.

A brief discussion continued and it was determined that this project will be scheduled for a public hearing for the May meeting and will be sent to the County for 239 review.

Camp Agudah
Special Use Permit
140 Upper Ferndale Road
SBL: 29.-1-24.1
Zone: R-1 #2014-0007

Meir Frischman from Camp Agudah and Attorney Gary Silver appeared for this matter. Mr. Frischman advises that he has decided to make some changes to the site plan and hands out new plans. Mr. Silver explains that this will be an open style pavilion that will be 80' x 200' x 20' that will have 1 or 2 basketball courts, possibly a volleyball court and asphalt flooring. Mr. Silver explains that back in March of 2012 the applicant received approval for indoor basketball courts but due to financial and other reasons they did not build it and now they have decided to go with an indoor / outdoor court. Attorney Garigliano asks if the applicant is giving up their right to construct the previously approved building and Mr. Frischman advises that the approval for that has expired. Mr. Silver explains that he just wanted the history to show that that building was not being built and that they are asking for approval on a different building.

A brief discussion continued and some changes were made to the EAF form with Mr. Frischman's approval.

ATTORNEY GARIGLIANO READS SEQR INTO THE MINUTES.

ON A MOTION MADE BY JOHN VAN ETEN, SECONDED BY DENISE BIRMINGHAM, THE BOARD UNANIMOUSLY DECLARES A NEGATIVE DECLARATION ON THE CAMP AGUDAH SPECIAL USE PERMIT.

It was determined that this matter will be scheduled for a public hearing for the May meeting and will be sent to the County for 239 review.

ABEF, Inc. (Greentree Acres)
Special Use Permit
594 Harris Road
SBL: 48.-1-3
Zone: IC #2013-0032

Bill Sattler from Adler Engineering appeared for this matter. Mr. Sattler advises that on the site plan the red lines are the projects that are being proposed. The casino building is an existing structure that was used for equipment storage and now they would like to convert that into a 1 bedroom caretakers quarters. CEO Van Etten advises that he placed a stop work order on the casino building last fall. Mr. Sattler explains that his office was called out after the stop work order was placed and Chris Brunjes was taking care of it and Chris no longer works there and this project fell through the cracks until the applicant wrote a letter asking what was going on. So they are now in front of the Board to obtain the proper approvals. Attorney Garigliano questions if there is enough capacity under their

permits for the existing septic system to handle an additional bedroom. Attorney Garigliano advises that this is something that needs to be looked into with the Department of Health. Mr. Sattler advises that he will check into the SPEDES permit.

A discussion continued regarding the distances between the existing buildings and the proposed additions. Attorney Garigliano advises that some of the proposed additions may require a variance because the required distance is not there. Mr. Sattler advises that he would like to go forward with the additions that do have the required distances and he will apply to the ZBA for the other additions. The Board requests a new site plan be submitted with the changes for the May meeting.

Miriam Soule
Special Use Permit
48 Salem Ridge Circle
SBL: 13.A-3-5
Zone: RD #2014-0008

Miriam Soule appeared for this matter. She explains that she is a homeowner in the Town and that she and her husband have been making craft wines for several years and now would like to take it to the next level and open a micro winery. She explains to do that she would need to construct a building which will be an 8' x 12' shed. She explains that a micro winery maximum capacity is 1,500 gallons. She advises that everything will be sold whole sale, there would be no increased traffic and no drinking on the property. Chairman Dowe advises a building permit is not required for the structure do to the size.

A brief discussion continued regarding the shed location and whether this matter meets the requirements of the waiver provisions.

ATTORNEY GARIGLIANO READS SEQR INTO THE MINUTES.

ON A MOTION MADE BY JOHN VAN ETEN, SECONDED BY JUDY SIEGEL, THE BOARD UNANIMOUSLY DECLARES A NEGATIVE DECLARATION ON THE MIRIAM SOULE SPECIAL USE PERMIT.

ON A MOTION BY JOHN VAN ETEN, SECONDED BY JUDY SIEGEL, THE PLANNING BOARD WAIVES ALL OF THE REVIEW REQUIREMENTS UNDER 147-28 FOR A SPECIAL USE PERMIT AS AUTHORIZED BY LOCAL LAW 3 OF 2012 FOR MIRIAM SOULE. ALL IN FAVOR, APPROVED.

ON A MOTION BY JOHN VAN ETEN AND SECONDED BY JUDY SIEGEL, THE MEETING WAS ADJOURNED AT 8:18PM.

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 April 1, 2014 are not to be construed as the final official minutes until so approved.

X Approved as read.