

**TOWN OF LIBERTY
PLANNING BOARD MINUTES
April 2, 2013**

MEMBERS PRESENT

Lynn Dowe, Chairman
John Van Etten
Denise Birmingham
Judy Siegel

ABSENT

Vincent McPhillips
Lydia Rolle

ALSO PRESENT

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

CHAIRMAN LYNN DOWE CALLED THE MEETING TO ORDER AT 7:10 PM.

ON A MOTION MADE BY JOHN VAN ETTEN AND SECONDED BY JUDY SIEGEL, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR MARCH 5, 2013 WITH ONE MINOR CORRECTION. ALL IN FAVOR, APPROVED.

PUBLIC HEARING:

**Kelly Bridge Road Developers Corp
Special Use Permit
Kelly Bridge Road
SBL: 40.-1-1.1
Zone: RD #2009-0027**

15 hearing notices were sent, 10 green cards received, 3 returned and 2 outstanding.

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

Cindy Karras – states that she is from Swan Lake and that her concern is the traffic and the condition of Kelly Bridge Road.

Bill Lazarus – states that he is a resident of Kelly Bridge Road and that he is concerned with the additional traffic on Kelly Bridge Road.

Cora Edwards – states that she is from Swan Lake and she feels that this development does not belong on Kelly Bridge Road.

Charlie Gusman – states that he is president of the Wolverine Hunting Club and that he is concerned about how this development will affect the hunting club. He is concerned about the wildlife in the area, the wetlands and the condition of the road.

Peter Mazza – states that he is also part of the Wolverine Hunting Club and his main concern is that there is a pipe on the property line that runs off onto the hunting club property.

Jeff Kohnke – states that he lives across the street from the development and he is concerned about what the development is going to do to the area, the wildlife and the condition of the road.

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

**Promise Ministries International c/o Peter Park
Special Use Permit
Scheibe Road (Town Road #17)
SBL: 25.-1-16.5
Zone: RD #2012-0015**

13 hearing notices were sent, 7 green cards received and 6 outstanding.

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

Kim Burgio – states that she lives on Scheibe Road and she is concerned with the traffic study that was done and the fact that an escort car will be needed. She is also concerned with the current zoning change.

Robert Burgio – states that he is concerned about the current zone changes that took place and that may take place again.

Pat Lubin – states that her concern is that this will be a tax exempt facility and she would like to know how it will enhance the area.

Carol Benton – states that she has been a resident of Scheibe Road her whole life and she has major concerns about the road conditions and the extra traffic. She is also concerned about the extra water and sewer usage and who is going to take care of the garbage.

Ben Constanza – states that he owns a home on Scheibe Road and that his main concern is the extra traffic and the current condition of the road.

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

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

9 hearing notices were sent, 2 green cards received 1 returned and 6 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 DENISE BIRMINGHAM, THE PUBLIC HEARING WAS CLOSED. ALL IN FAVOR. APPROVED.

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

21 hearing notices were sent, 16 green cards received 1 returned and 3 outstanding.

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

Pat Lubin – states that there was a Loomis Neighborhood Committee meeting in which Mr. Stoddard attended and answered many of the questions and concerns that the committee had and that the she and the committee are in favor of the project.

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

**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 explains that the project did receive a Special Use Permit in 2008 for 95 units and there was a very substantial review prior to that happening. He states that the request is to simply change the configuration of the approved plan. Mr. Smith explains that there were changes made to the layout of the buildings and the roads. Mr. Smith advises that there are DEC permits for the waste water treatment system and there are Health Department approvals for the water supply. Mr. Smith explains that they are changing the roads around, the building count stays the same and a traffic study was done for the original project and it hasn't changed because it is still the same number of units.

A brief discussion continued and Attorney Garigliano advises that they are not going to take any action on this matter until the ten days after the public hearing for written comments has passed and this matter will be on the May agenda.

**Promise Ministries International c/o Peter Park
Special Use Permit
Scheibe Road (Town Road #17)
SBL: 25.-1-16.5
Zone: RD #2012-0015**

Randy Wasson appeared for this project. Randy explains that the project really hasn't changed. Mr. Wasson advises that the number of campers has been reduced from a maximum of 160 campers to a maximum of 120. Mr. Wasson explains that they have supplied the Board with copies of a business plan that explains how the camp will operate, days of the week and the hours of operation. Attorney Garigliano advises that the applicant needs to clarify the business plan because it is inconsistent. Mr. Wasson explains that a traffic study has been done and that an escort car is needed because there is a portion of the road that is very narrow. Mr. Wasson explains that they are widening the entrance to the site to accommodate the buses.

A brief discussion continued and this matter will be on the May agenda.

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

Terry Forman and Randy Wasson 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. Chairman Dowe advises that the 239 review came back and it was determined it was a matter for local determination. Attorney Garigliano explains that this is for 4 duplex buildings labeled on the site plan as F, J, L and M.

A brief discussion continued.

Attorney Garigliano reads SEQR into the minutes.

ON A MOTION MADE BY JOHN VAN ETTEN, SECONDED BY DENISE BIRMINGHAM, THE BOARD DECLARES A NEGATIVE DECLARATION ON THE SWAN LAKE HILLS SPECIAL USE PERMIT.

ON A MOTION BY JOHN VAN ETTEN, SECONDED BY DENISE BIRMINGHAM, THE SPECIAL USE PERMIT FOR SWAN LAKE HILLS WAS APPROVED. ALL IN FAVOR, APPROVED.

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

The project is to open a 5,000 sq. ft. farmers / flea market. Attorney Garigliano advises that if the Board does not have any questions or comments then they can proceed with SEQR.

Attorney Garigliano reads SEQR into the minutes.

ON A MOTION MADE BY JOHN VAN ETTEN, SECONDED BY DENISE BIRMINGHAM, THE BOARD DECLARES A NEGATIVE DECLARATION ON THE MICHAEL STODDARD & JOSEPH DAVID SPECIAL USE PERMIT.

The Board discusses that a barrier should be in place to separate the 5,000 sq. ft. area and the 2,650 sq. ft. area.

ON A MOTION BY JOHN VAN ETTEN, SECONDED BY JUDY SEIGEL, THE SPECIAL USE PERMIT FOR MICHAEL STODDARD AND JOSEPH DAVID WAS APPROVED WITH THE CONDITION THAT THE BUILDING INSPECTOR BE SATISFIED WITH PROPER DELINEATION BETWEEN THE 5,000 SQ. FT AREA AND 2,650 SQ. FT. AREA. ALL IN FAVOR, APPROVED.

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

This project is to construct a 24' X 24' storage building. Attorney Garigliano advises that this project has been reviewed and that a public hearing was held at the March 5th meeting and a determination was made that the project was not subject to SEQR and that the Board could not take action that night because the determination from the 239 Review did not come back. Attorney Garigliano advises that the 239 review was received and they made a decision that it is a matter for local determination.

ON A MOTION BY JOHN VAN ETTEN, SECONDED BY DENISE BIRMINGHAM, THE SPECIAL USE PERMIT FOR HILLCREST ESTATES WAS APPROVED. ALL IN FAVOR, APPROVED.

**Adas Yereim
Special Use Permit
Revonah Hill Road
SBL: 18.-1-6
Zone: AC #2013-0007**

Bill Sattler from Adler Engineering appeared for this matter. Mr. Sattler explains that they have previously been before the Board and that there was a problem with the zoning bulk table and that it has been corrected. Attorney Garigliano advises that at the last meeting the bulk table showed that the property was located in the RD zoning district and it is not it is in the AC zoning district. Attorney Garigliano explains that while the bulk table is now correct, the use is not allowed in this zone. Mr. Sattler explains that in 2010 or 2011 the Board gave permission to Adas Yereim to replace the building across the street known as the “white house” with equal square footage. Between that approval and January there were very structural issues with their existing small shul and there was an urgency to replace that which took away the funds to replace the “white house” building. Now that they have recouped some of their funds they would like to move forward with the “white house” building. Attorney Garigliano explains that when the approval was made they were in a zone that allowed summer camps and the new zoning does not allow summer camps.

Attorney Garigiano explains that the applicant may apply to the Board to expand a non-conforming use.

A discussion continued and it is determined that the application should be to expand a non-conforming use not an application for a special use permit because there are no special use permits for summer camps in the AC zone. Mr. Sattler advises that he will amend the application.

**Aero Star Petroleum, Inc.
Special Use Permit
County Rd 71 (Swan Lake Rd)
SBL: 36.-1-110.3
Zone: SC #2013-0011**

Steve Kalka appeared for this matter. Mr. Kalka explains that he is representing Aero Star Petroleum which is currently under construction and was recently approved by the Board. Mr. Kalka explains that the approval was for the construction of a 4,900 sq. ft. building and the applicant would now like to extend the existing canopy 15' to include two additional dispensers.

After a brief discussion it was determined that this matter meets the requirements of Local Law 3 of 2012.

ON A MOTION BY JUDY SEIGEL, SECONDED BY JOHN VAN ETEN, THE PLANNING BOARD WAIVES THE REVIEW REQUIREMENTS FOR A SPECIAL USE PERMIT AS AUTHORIZED BY LOCAL LAW 3 OF 2012 FOR AERO STAR PETROLEUM. ALL IN FAVOR, APPROVED.

**Camp Yeshiva
Special Use Permit
Briscoe Road
SBL: 44.-1-35
Zone: RD #2013-0012**

Randy Wasson appeared for this matter. Mr. Wasson explains that this is an existing summer camp on Briscoe Road and they would like to construct a shower building. Mr. Wasson advises that the plan currently shows a 20' X 40' building in which the applicant now would like to construct a 30' X 60' building in the same location as shown on the plan.

After a brief discussion it is determined that that if new plans are submitted a public hearing will be scheduled for the May meeting. It was also determined that this matter will be sent for 239 review.

**Kraut Bungalow Colony
Special Use Permit
Sunset Lake Road
SBL: 30.-1-27.2
Zone: R-1 #2013-0013**

Randy Wasson appeared for this matter. Mr. Wasson explains that this is a small colony on Sunset Lake Road and that they would like to construct a 20' X 40' swimming pool with an 8' stockade fence around it. CEO Van Etten advises the Board that there has been issues in the past with garbage at the proposed site. It has been decided that due to garbage issues in the past it will be required that a garbage compactor be installed on site.

After a brief discussion it is determined that if new plans are submitted showing the compactor this matter will be scheduled for a public hearing at the May meeting. It was also determined that this matter will be sent for 239 review.

ON A MOTION BY JOHN VAN ETTEN AND SECONDED BY JUDY SIEGEL, THE MEETING WAS ADJOURNED AT 8:40 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 April 2, 2013 are not to be construed as the final official minutes until so approved.

___ Approved as read.