

**TOWN OF LIBERTY
PLANNING BOARD MINUTES
April 3, 2012**

MEMBERS PRESENT

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

ABSENT

Ray Kelly

ALSO PRESENT

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

CHAIRMAN DIANE S DEUTSCH CALLED THE MEETING TO ORDER AT 7:00 PM.

Chairman Deutsch proceeded to resign as Planning Board Chairman transferring the Chairmanship to Lynn Dowe starting at this meeting.

PUBLIC HEARING:

Green Acres Cottages, Inc.
Special Use Permit
Rt 52 / Denman Road
SBL: 30.-1-90.3
Zone: SC 2012-0005

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 RECESSED UNTIL MAY 1, 2012 TO ALLOW TIME FOR DOH CONCERNS TO BE ADDRESSED. ALL IN FAVOR. APPROVED.

Chairman Dowe said the 239 review was received, stating no adverse impacts. John Van Etten mentioned the fact that County Planning was concerned about the applicant's separation and incremental expansion which could easily be seen as segmentation under the State Environmental Quality Review Act. It was determined it would be addressed at the next meeting.

PUBLIC HEARING:

Sean Zigmund
Special Use Permit
Fox Mountain Rd & Route 52
SBL: 32.-3-14
Zone: RD 2012-0007

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

Susan Allsop expressed concern about the noise level and how many fowl were going to be on the farm, was this being done as a tax reduction plan or a homestead.

Tim Borden asked how many fowl were going to be there and also raised the issue of possible rat infestation.

Dom Muccino said the property is not in neat order now, that Mark Van Etten had been there and yet nothing has been done. He said Mr. Zigmund says he wants to put equipment in trailer, but now there are chickens in the trailer.

Rick Falkner said he was a member of the Grange and that there are diminishing farmlands with many not able to farm. If he wants to farm he should be able to do so, that we need farmers.

ON A MOTION MADE BY JOHN VAN ETEN, SECONDED BY DENISE BIRMINGHAM, THE PUBLIC HEARING WAS CLOSED. WRITTEN COMMENT WILL BE ACCEPTED FOR 10 DAYS. ALL IN FAVOR. APPROVED.

Chairman Dowe said the 239 review was received, stating no adverse impacts.

PUBLIC HEARING:

Efraim Reiss
Special Use Permit
West Mongaup Road / Village Green Condominiums
3 Village Green Circle
SBL: 47.-3-2/0301
Zone: DCC #2011-0023

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. APPROVED.

Chairman Dowe said the 239 review was received, stating no adverse impacts.

PUBLIC HEARING:

BSD, LLC a/k/a Liberty Business Park

Special Use Permit

Harris Road

SBL: 41.-1-27

Zone: IC #2011-0020

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

Jason Call said he wanted to know what's going on with the parcel.

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

Chairman Dowe said the 239 review was received, stating no adverse impacts.

PUBLIC HEARING:

Congregation Kahal Yirei Hashem, Inc.

Special Use Permit

5357 St Rt 55

SBL: 36.-1-12

Zone: R-1 2012-0009

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. APPROVED.

Chairman Dowe said the 239 review was received, stating no adverse impacts.

PUBLIC HEARING:

Milo Moore

Special Use Permit
Frankie Lane TR 129
SBL: 35.E-1-14 & 15
Zone: SC 2012- 0010

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

A letter from Lois DeMasi was read into the minutes. It will be attached at the end of these minutes.

Pat Lubin spoke as president of their neighborhood watch. She said it was her position to obtain information and pass it on within the neighborhood watch, that was why she was speaking for them. She said she was checking the parcel out with Cora Edwards and saw that Mr. Stoddard and others were occupying the property prior to approval. She quoted Cora Edwards as saying that was disrespectful. She went on to tell about the neighborhood watches projects, one of which was the beautification of 52 Pick-up and how in order to obtain money from Renaissance they had to give a detailed account of how and why they need the money and how it was spent. She wanted to know if the Planning Board received a site plan.

Carol Benton said she received a legal notice that said in part "...vehicles under police investigation, fenced in outdoor impound yard..." She wanted to know what was going to be done with the liquids and what the results would be to their aquifer.

Nancy Cooper said the noise level was a concern to her as her husband had had a stroke and was very jumpy and the noise would be an issue.

Doug Stevens from 11 Old Loomis Road asked if there would be an environmental study and expressed concern over leakage into their wells.

Carol Benton was heard to say "it's a wetland".

David Lubin said he questioned the police about potential problems and the police said that there would be potential problems. He also mentioned the pot holes and the deteriorated road and possible future deterioration due to heavy truck traffic. He said that the road should be built better to withstand heavy truck traffic.

Lois DeMasi asked if there was going to be some sort of safety plan that would apply to protect the residential quality.

Brian Shortall of 11 Frankie Lane there was a lot of heavy truck traffic when Poley Paving was there and every year the Town just patched it and that it didn't last and only got worse. He said that they have to keep their windows closed due to noise, dust and dirt. That the road was only a lane and a half wide. They had no objection when Poley Paving was there, but a new business they would object to. That he saw a heavy duty wrecker and assumed that meant the business would be doing heavy duty towing. That with Poley Paving they knew that after 5 pm it would be quiet. With the police involved and impounding, would they be having 2 and 3 a.m. calls? Could there be limitations on the times. How long they were open, how high the fencing, leaking fluids. Also mentioned was the fact that the turn was too tight in one area and trucks had been known to drive over his lawn.

Carol Benton said she had a better location in mind for the business, Amapro Family Fun Center on Route 52 as it now sits empty.

Pat Lubin said that they were a tight knit community that was concerned with aesthetics and safety and that they wouldn't complain and show concerns without being up for listening or presenting alternative suggestions as Carol Benton just did. That perhaps the business could be placed someplace else.

Jean Planishek said that Amapro was just down the road from her and she didn't want it there. She also said she had a neighbor with a toilet on his porch along with a washer and other items that can't be controlled.

Pedro Ortiz said he bought his house for \$330,000. He had it appraised and it was \$280,000 and not believing the drop had it appraised by another. That appraisal was \$260,000. He wonders if the properties are going to take another lowering in value.

Tim Yaun said that as far as he was concerned water was the issue and their wells, that car fluids affect water in all wells. There should be an environmental impact study done.

Chairman Dowe asked if there was anyone else from the public.

No further response from the public.

Chairman Dowe said the 239 review was received, stating no adverse impacts.

ON A MOTION MADE BY JOHN VAN ETEN, SECONDED BY DENISE BIRMINGHAM, THE PUBLIC HEARING WAS CLOSED. APPROVED.

PUBLIC HEARING:

CH222, Inc.
Special Use Permit
St Rt 52
SBL: 35.D-3-11
Zone: SC 2012-0011

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. APPROVED.

Chairman Dowe said the 239 review was received, stating no adverse impacts.

PUBLIC HEARING:

AERO Star Petroleum, Inc.
Special Use Permit
County Rd 71 (Swan Lake Rd)
SBL: 36.-1-110.3
Zone: SC 2012-0012

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. APPROVED.

Chairman Dowe said the 239 review was received, stating no adverse impacts.

Sean Zigmund
Special Use Permit
Fox Mountain Rd & Route 52
SBL: 32.-3-14
Zone: RD 2012-0007

Sean Zigmund appeared. Attorney Garigliano said that the Board had asked for and received an affidavit from Midge Roth which shows permission was provided to farm on the parcel in

question starting in November of 2010 which was well before the zoning change. Attorney Garigliano also said that this farming was allowed in the zone and that Mr. Zigmund had provided the Board with a thorough business plan that answered most of the concerns voiced by the public. The only concern left was the number of fowl allowed on the parcel. After much discussion wherein Mr. Zigmund said that he was allowed up to 1,000 in a combination of chicken and ducks OR 250 turkeys in a given year according to agriculture and meat law, it was determined that he might also have 3 to 5 pigs and possibly 2 dairy goats for personal use. After further discussion it was determined that Attorney Garigliano would prepare a resolution for the next meeting incorporating information from the business plan and also by polling each of the Board members and would have in the resolution a limitation on how many of each type of fowl could be on the premises at any one time.

Efraim Reiss

Special Use Permit

West Mongaup Road / Village Green Condominiums

3 Village Green Circle

SBL: 47.-3-2/0301

Zone: DCC #2011-0023

It was determined that the 239 review came back from the County saying that there would be no adverse effects to the community and that it was a matter for local determination. After a short discussion it was found that the file was complete.

ON MOTION MADE BY JOHN VAN ETEN, SECONDED BY DENISE BIRMINGHAM, THE SPECIAL USE PERMIT FOR EFRAIM REISS WAS APPROVED. ALL IN FAVOR. APPROVED.

BSD, LLC a/k/a Liberty Business Park

Special Use Permit

Harris Road

SBL: 41.-1-27

Zone: IC #2011-0020

Charles T Bazydlo and Gerard Fitamant appeared for this project. After a short discussion it was determined that the water from the site would drain into the South Fallsburg/Woodbourne aquifer and that there would be no great impact. The Board is going to ask Tom Shepstone and Glenn Smith to work together on a coordinated letter with their reviews. When asked about the grade of the road, it was stated that it was proposed at 8 percent.

Congregation Kahal Yirei Hashem, Inc.

Special Use Permit

5357 St Rt 55

SBL: 36.-1-12

Zone: R-1 2012-0009

Randy Wasson appeared for this project. After a short discussion it was determined that the file was complete.

ON MOTION MADE BY JOHN VAN ETEN, SECONDED BY DENISE BIRMINGHAM, THE SPECIAL USE PERMIT FOR CONGREGATION KAHAL YIREI HASHEM INC. WAS APPROVED. ALL IN FAVOR. APPROVED.

Milo Moore

Special Use Permit

Frankie Lane TR 129

SBL: 35.E-1-14 & 15

Zone: SC 2012-0010

Milo Moore appeared for this project. Attorney Garigliano asked Mark Van Etten to verify that the zoning on this parcel was originally IC and had been changed to SC. Mark did so. Mr. Moore was asked about the type of fencing planned. He said it was chain link with slats. When asked what color they were planning on using, he said the same as what they would paint the building. Earth tones were suggested. It was determined that this is an allowable use for the parcel. Mr. Moore explained that this would be for disabled vehicles, no wrecks or leaking severed lines. This would be a relay point. Having the disabled cars fenced in possibly on a concrete pad. Their hours of operation would be 9 to 5 Monday through Friday and 8 to 2 on Saturdays and Sundays with about five (5) employees. Any repairs would be done inside only thereby containing any leaks if any. They would enter the business only off Route 52. They would not be using tractor-trailers. Their lighting would be LED wall packs with horizontal cut-offs. George Fulton added contour benchmarks on the plan and a note with regard to the contours. When asked who was the owner Mr. Moore said he was along with a friend as co/owner the tenant being Milo Moore/Tommy Auto Works Inc. d/b/a Tommy's Towing. They would only be doing minor repairs on their own vehicles since their vehicles were new and under warranty, they would go back to the dealerships for major repairs. When asked if they would do repairs on other public vehicles, he said only minor repairs like plugging tires or changing batteries. They do a lot of work with GEICO and Allstate. When asked if they were going to do any body work or painting, he said no they would not be. Brian Shortall spoke up from the public and asked if there was a way to put in some restrictions.

It was determined that this project needs to be reviewed by the Town Engineer, Glenn Smith, so appropriate limits could be set, see about impervious surfaces for impounded vehicles, containing fluids, having things done right and minimizing the impact.

CH222, Inc.
Special Use Permit
St Rt 52
SBL: 35.D-3-11
Zone: SC 2012-0011

Will Foster and Steven Green appeared for this project.

ON MOTION MADE BY JOHN VAN ETEN, SECONDED BY DENISE BIRMINGHAM, THE SPECIAL USE PERMIT FOR CH222, INC. WAS APPROVED WITH THE CONDITION THAT THE BUILDING MARKED TWO-STORY DWELLING BE CHANGED TO READ OFFICE SINCE A CHANGE OF USE WAS PREVIOUSLY DONE ON THAT BUILDING. ALL IN FAVOR. APPROVED.

AERO Star Petroleum, Inc.
Special Use Permit
County Rd 71 (Swan Lake Rd)
SBL: 36.-1-110.3
Zone: SC 2012-0012

Steve Kalka and Tariq Gujar appeared for this project. A short discussion was held determining where the lighting was to be located, questions about what A and B were and where the leaders and gutters drained to. Water is drained off towards Ferndale Road. The lighting is to be shown on the map and a letter from the engineer is to be delivered to the Board regarding A and B having them either removed or explained.

ON MOTION MADE BY JOHN VAN ETEN, SECONDED BY DENISE BIRMINGHAM, THE SPECIAL USE PERMIT FOR AERO STAR PETROLEUM, INC. WAS APPROVED WITH THE CONDITION THAT THE LIGHTING BE SHOWN ON THE MAP AND A LETTER IS RECEIVED FROM THE ENGINEER WITH REGARD TO A AND B HAVING THEM EITHER REMOVED OR EXPLAINED. ALL IN FAVOR. APPROVED.

OLD BUSINESS:

Camp Adas Yereim

Re-approval of Special Use Permit
365 Revonah Hill Road
SBL: 18.-1-6
Zone: RD #2010-0012

Israel Weingarten and Bill Sattler appeared for this project. They asked for re-approval since their approval was to expire for May 4, 2012. It was discussed as to whether or not to have the re-approval done at this meeting or the next due to the six month limitation of a re-approval. It was determined to have it done at this meeting.

ON MOTION MADE BY JOHN VAN ETTEN, SECONDED BY DENISE BIRMINGHAM, THE SPECIAL USE PERMIT FOR CAMP ADAS YEREIM WAS RE-APPROVED FOR ANOTHER SIX (6) MONTHS ENDING OCTOBER 4, 2012. ALL IN FAVOR. APPROVED.

Ester Newhouse

8 lot Subdivision
Twin Bridge Road
SBL: 30.-1-88
Zone: R-1 #2011-0015

No one appeared for this project.

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

Ben Weitsman & Son of Liberty, LLC

Special Use Permit
Sheehan Road
SBL: 13-1-7.1, 13-1-7.2, 18-1-31 & 18-1-36.2
Zone: R-1 #2011-0021

Howard Rittberg and James Tofte appeared for this project. Mr. Tofte explained that this would be a transfer station only, there would be no crushing, crushing would be done off-site. This would function as one of the satellites to the main crushing business in Owego, New York. There would be three buildings, a scale building, a nonferrous metals building and a fluid recovery building. The fluid recovery building had a fluid recovery system designed to deal with run-off with drains hooked up to fluid ports on the vehicles and a secure capture method for spillage. Copper, aluminum, stainless steel and other non-ferrous metals would be dealt with in a separate building and stored in concrete bunkers for re-sale. Once the bunkers are filled they will be emptied by the pertinent purchasers. They will be making a cut into the hill making a

flat usable area with black top 10 to 12 inches thick upon the site and having an impervious barrier. They will be going by the new DEC guidelines having a green infrastructure with no infiltration of potential contaminants through to a lined pond. They will be using an industrial SPEDES permit under sections M & N (timber & salvage). Mr. Tofte said they had a 33 foot easement available to completely access the location from Sheehan Road. They did a traffic study in their Scranton, PA location and concluded that this location would have 50 to 75% of the traffic of Scranton. They will submit the traffic study to the Board for review. They figure to have between 150 to 200 vehicles maximum per day and up to 3 to 7 tractor trailers per day.

Attorney Garigliano asked if they've compared it to the Zalkin junkyard in size since that was how they were being allowed to located there as a replacement for Zalkin's junkyard license in the Town of Liberty by the Town Board. That they were allowed to be 125% in size in comparison to the Zalkin junkyard. Mr. Tofte said he would check into that. Diane Deutsch asked what the hours of operation were going to be and what were their plans if there were long lines of traffic like at another familiar junkyard on Saturday mornings. The hours of operation were 8 to 4:30 Monday through Friday, 8 to 1 on Saturday and 10 to 2 on Sunday. With the results of their traffic study they didn't believe that any waiting lines would extend past the end of Sheehan Road, but they would check the issue.

When asked about metal I-beams, Mr. Tofte said they would be cut/sheared in the non-ferrous building. He stated that this company has won awards for their cutting plants. They would do a noise study for a benchmark and have noise screening if necessary. He did remark on the ambient noise coming off 17/I-86. He said they would also be needing a sign for the business and that they may be contacting the DOT for their blue-sign program. Their proposed tree planting is typical and will ask the engineer if the foliage removal can be reduced. He said the applicant would consider dedicating the westerly/northerly portion of the parcel for the Town's use however they wished to use it, IE: trails or hiking.

Mr. Tofte said that they would make improvements to Sheehan Road and would be checking with the highway department. It was determined that there was plenty of room for snow plow turn-around.

Supervisor Charles Barbuti asked about water and sewer. How many bathrooms. Mr. Tofte said there would be three (3). Two in the scale house and one in the non-ferrous metals building.

An unidentified person in the audience asked about security. Mr. Tofte said there would be high security, cameras everywhere and for secure money transactions ATM's would be used. There would be lighting around the perimeter. He was reminded that the Town requires downward facing lighting and no light pollution. When asked how many employees, Mr. Tofte said there would be around 10 full time employees.

PLANNING BOARD MEMBERS, JOHN VAN ETEN AND DENISE BIRMINGHAM ARE BACK ON THE BOARD FOR REMAINDER OF MEETING.

Yeshiva Letzirim Inc.
Special Use Permit
85 Ferndale Loomis Road
SBL: 35.-2-18.1 & 18.2
Zone: RD #2011-0014

Sam Mehring and Bill Sattler appeared for this project. After a short discussion, it was determined that there would be no kitchens, just a Kosher sink, the label staff housing would change to co-ed housing, though it would still be for Rabbi's and their families. Bill Sattler said that since there were no appliances allowed, they thought it would be safe to have a laundry shed in the courtyard.

This project is to be scheduled for a Public Hearing on April 24th.

ON A MOTION BY JOHN VAN ETEN AND SECONDED BY DENISE BIRMINGHAM, THE MEETING WAS ADJOURNED AT 10:10 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 April 3, 2012 are not to be construed as the final official minutes until so approved. X Approved as read

March 31, 2012

Town of Liberty Planning Board

123 North Main Street

Liberty, New York 12754

RE: Special Use Permit

Frankie Lane/TR 129 SBL: 35-E-1-14 & 15

Please be advised that I have been a taxpayer in the Town of Liberty since 1979. After my house burned down in 1989, I purchased the property at 21 Frankie Lane. I lived there until I had to move for work reasons, and have had long term tenants in the house.

I found the house by accident when I got detoured off of Old Loomis Road. All the years living in Liberty, I never knew that this neighborhood existed. That is the point, this is a little known residential neighborhood, and that is a benefit.

If you pass this variance you are bringing people of criminal backgrounds into a residential neighborhood. The requested use does not enhance any security to the people of the neighborhood.

I have been told by my tenants that there have already been several break-in's within the neighborhood, enough for them to form a neighborhood watch group. This special use would increase that immensely.

Liberty has many other areas that could house the impound yard that do not impact on people security and investments.

I vehemently oppose passage of this special use permit, and will be attending the meeting.

Sincerely,



Lois J DeMasi-