

**TOWN OF LIBERTY  
PLANNING BOARD MINUTES  
May 3, 2011**

**MEMBERS PRESENT**

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

**ABSENT**

**ALSO PRESENT**

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

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

**ON MOTION MADE BY JOHN VAN ETTEN AND SECONDED BY DEAN FARRAND, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR APRIL 5, 2011 WITH THE CORRECTION ON PAGE 1 OF "PM" TO "ON".**

**PUBLIC HEARING:**

**Gary Miller**  
Special Use Permit  
342 Route 52  
SBL: 32.-1-14  
Zone: RS # 2010-0008

Eighteen notices sent, 15 green cards received, and 3 outstanding.

Chairman Deutsch asked if there was anyone from the public who wished to comment.

NO RESPONSE FROM THE PUBLIC

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

**PUBLIC HEARING:**

**Samuel Goldberger / Green Acres Cottages Inc.**  
Special Use Permit  
20 Denman Road  
SBL: 30.-1-90.3  
Zone: SC #2011-003

Fifteen notices sent, 12 green cards received, and 3 outstanding.

Chairman Deutsch asked if there was anyone from the public who wished to comment.

Gerald Boornazian spoke and asked several questions. How many acres did Green Acres contain? How many cottages were there? Do they all have porches? Is there or will there be a shul? Do they pay taxes? Will they put up a pool? Where was the septic located and would there be any further building above (North of) it on the parcel? Was this a special use permit? Mr. Boornazian was told his questions would be answered when the Board discussed this project once all the public hearings were completed.

**ON A MOTION MADE BY DEAN FARRAND AND SECONDED BY LYNN DOWE, THE PUBLIC HEARING WAS CLOSED. ALL IN FAVOR. APPROVED.**

**Camp Rayim, Inc.**  
Special Use Permit  
263 Breezy Hill Road  
SBL: 5.-1-1  
Zone: RD #2011-0006

Thirteen notices sent, 8 green cards received, one returned and 5 outstanding.

Chairman Deutsch asked if there was anyone from the public who wished to comment.

NO RESPONSE FROM THE PUBLIC

**ON A MOTION MADE BY RAY KELLY AND SECONDED BY DEAN FARRAND, THE PUBLIC HEARING WAS CLOSED. ALL IN FAVOR. APPROVED.**

**HASC, INC.**  
Special Use Permit  
Old Route 17  
SBL: 12.-2-1 & 12.-1-38.1  
Zone: RD #2010-0028

Thirty-two notices sent, 26 green cards received, and 6 outstanding.

Attorney Garigliano spoke up and said "This is the second public hearing on this. We had a prior public hearing and the Board previously approved a map on this property for this project. During the course of applying for the building permit, Mark, the Code Enforcement Officer noticed that the public hearing notice that we sent out and the application that we had received didn't match the map so the public hearing notice we sent out omitted the disclosure of one of the improvements only which is a single family house that is to be built on the site in addition to all the other improvements. So, we can take whatever public comment there is but the new item that wasn't in the prior public hearing notice is a single family house. It was on the map, it was on the map that the Board approved. I think it is something you should reconsider after the public hearing. SEQR did contemplate it. It was in the SEQR form, but it just didn't make it into the public hearing notice and that's not Nancy's fault. It wasn't in the application. It just wasn't there. So that's the purpose of having a second public hearing on this even though we just had one."

Chairman Deutsch asked if there was anyone from the public who wished to comment.

Barbara Sochinski: The reason that no one was here for the first public hearing was because there was an error in the town sending to the right people. No one got their notices. That is why we were not

here for the first public hearing. The questions I have, when will they be answered. Because I have quite a few questions. And we do want answers.

Chairman Deutsch: What we'll do on this one is we're going to not go back to the beginning, we'll complete this one and then we will go back. We'll do the entire HASC issue right now.

Barbara Sochinski: Ok. What exactly is a public hearing. That's my first question.

Walter Garigiano: It's an opportunity for you to provide comments on the site plan. It's not really a question and answer session. This Board is very liberal about answering questions if they have the answers. It's for you to make comments on the proposed application which is a site plan involving a number of different improvements to the property.

Barbara Sochinski: Well, with that in mind and the fact that there was an error from the Town sending out the wrong parcel and none of the correct people received their notices and the Planning Board was aware of this as was the Town, that building permit should have been held off until there was a public hearing. Am I right?

Chairman Deutsch: I'll take your comments but as far as right or wrong, I cannot comment on that.

Barbara Sochinski: More questions. What they're building is one building, but we received for two. Our public hearing tonight was for two buildings 52 x 90 parcels. So, which means this went out for a public hearing today.

Chairman Deutsch: This is our second public hearing on this matter.

Barbara Sochinski: Right on the 52 x 90 parcels. Two of them and I don't know if they're still building. Mark, are they still building? Now I don't know or are they doing one. Have they changed it. When, how can we get our answers.

Chairman Deutsch: This is not. Okay well just make your comments and then we'll see what we can do about answering some of them.

Barbara Sochinski: We need to know about external speakers. This is 75 feet from my front door. I want to know about external speakers. I want to know about lighting. Septic. Has the septic been approved? Where is it running to? Their water. Where are they getting their water from? We'd like to know that because new water lines went in, but Highview Acre was never hooked up to it. Was this just done? For them, for their future use? Has the parcel been changed because they can't go over the existing lines but they had and it was all different parcels. Are they building over the parcels that they have. Has that been changed yet? The construction road that was put in. That was never put in plans they just built this road, tore up our road and now we're left with it. Three weeks later. It took them a day and a half to put this road in and three weeks later we're still left with this mess and mud into my front yard, into the drains. It's horrible. But nobody has addressed that.

The building permit was approved. Was it approved by Mark, was it approved by Pam. Who actually approved it. Because again we haven't been notified.

Chairman Deutsch: it's a Town issue, not a Village issue. Go on.

Barbara Sochinski: But Mark was away on vacation and Pam was taking over, so yes, we want to know who approved that. The lights. How many rooms are going to be in this. Are there two buildings is it

one, we don't know. It's still a mess up there. You can't even tell. And were you aware that the stream that's back there is a protected stream as per the DEC?

Steve Sochinski: And they did not apply for a permit to build near it or change it and I spoke with, well I didn't speak, the neighbor...

Chairman Deutsch: And your name is sir?

Steve Sochinski: Alright our neighbor spoke with the DEC today, she's not here today. And they said that is a protected stream. HASC did not get permits to build near it or change it. And after this meeting I'm to get in touch with them again as any results and they'll take it from there.

Barbara Sochinski: So, when will our questions be answered.

Steve Sochinski: I'm sure people all over have questions.

Chairman Deutsch: We're taking questions and comments from everyone and then everything will be addressed. Is that it?

Barbara Sochinski: Ah, yeah.

Jimmy Green: I live up there by the Camp HASC property. First thing I'd like to know is, first of all they have the site plans whether or not they were approved, I guess they were approved. They went forth from our dead in cul de sac and started to build a temporary road to be able to build. Now on that map it does not show any temporary road. We got in touch with the Planning Board, we got some Town Legislators. We found out that they arbitrarily did that themselves. So there you go, within a day they had this road built. When Mark came back off vacation they talked to Mark at the department head meeting and said what about this road. We were told that within a week they would have all those dirt piles cleaned up, leveled off, the sluice pipe pulled out of our drainage ditches and it will all be taken care of. The answer we got is they're under a tight guideline, that is not the least of their worries. They can build a road that was not even approved and we got to worry about looking at it all summer because it's not their problem right now? We got to have some answers to that.

Chairman Deutsch: Thank you.. Anyone else?

Mike Kaiser: I live on Highview Acres also. Like Barbara said, Mr. Green said, that temporary, so-called temporary road, I'm afraid it's going to turn into a public road. I was told when I called the building inspector they had a cease and desist that was going to be returned to its original appearance. It's still the same. The stream on their property that we're talking about is a trout hatchery. You have to have a special permit. You've got runoff problems, you a whole list of other problems that have to be addressed before they even start building. I understand now from this meeting that they've already received a building permit to go ahead with building even though I never received notice for the first meeting that they were going to start building. None of us received any notice about this, how could they receive a building permit without us being informed. That's what I'd like to know.

Chairman Deutsch: Thank you.

Fred Thompson: I live on Highview Acres Road. I did not receive any notices about this the past two meetings. So I'm in the dark here. And I should be on the list for mailing. The only problem I have is that the drainage up there is something terrible. Everybody's got a water problem and according to my deed I have 20 or 25 foot drainage up above my property into the woods which is now owned by them.

And behind me about 100 feet up is a great big drainage ditch, which I think you mentioned. That water comes all the way down behind the houses up there in the woods and it drains down to the brook. So, if that is disturbed it's going to be some problem up there.

Chairman Deutsch: Thank you.

Anna Sawyer: I live in Highview. I did not receive a notice prior to the one I got for this meeting and I don't feel that all of this should be legal if nobody was notified of these proceedings for the first meeting that you had. And I'd like to know if this road is going to be a temporary road or a permanent road or is it going to use if for deliveries, that kind of thing for their camp? And if it is a permanent road, would it be a private road or a Town road and who would be responsible for taking care of it. And does that leave the people from the camp park there on our street. We have no sidewalks or anything now. Actually its very dangerous, our street. And would there be room for ambulances and fire trucks to get up there if cars were parked on the street? I guess that's all I have to say.

Chairman Deutsch: Thank you. Anyone else?

Robin Green: I also live on Highview Acres. My question is kind of with Ann when she talked about it being a dead end road and whatnot. My understanding that in the deed that the Town has is part town road at the end there, that piece of property and that it was in the deed as no access. So I'm just trying to understand that as well. UNCLEAR – TOO FAINT

Chairman Deutsch: Thank you. Anybody else?

Steve Sochinski: Yeah, I got another question. When they were mapping out those bungalows, those 52 x 90, they realized there was a problem with that brook, so they arbitrarily measured out away from the brook away from your original plans and moved the bungalows forward. Should there be a new plan that should have been approved by you as the Board if they arbitrarily changed where these 52 x 90 buildings are going to be placed?

Chairman Deutsch: Thank you.

Barbara Sochinski: What Robin was saying about no access. That deed was made up with Rabbi Kahn when they bought the property when they put kitchens in. I had a meeting with Rabbi Kahn and it was put in the deed that there would be no through access to that point, you know, through that point. But now, if they're going over their existing lines and they have to make it all one property, they have to make it all one piece 'cause they can't go over existing lines for building. Property lines. Will that deed still hold true where there will be no access through Highview Acres is what we want to know.

Chairman Deutsch: Thank you. Anyone else?

Anna Sawyer: Is there a map or something that we are able to look at to see what exactly is the plan for UNCLEAR – TOO FAINT

Chairman Deutsch: Yeah, we have a map. Okay. We have one, when we get all of the questions...

Anna Sawyer: We'll be able to look at it? And we'll be able to ask questions afterwards?

Chairman Deutsch: Not after we close the public portion. There's no more input after the public portion is closed. So everybody who has questions now, ask them now.

Anna Sawyer: Are there parking lots in that area that they're talking about?

Ray Kelly: There should be a map. There should be a presentation. The first thing we have to address is the correctness of notification.

Chairman Deutsch: We'll get to that.

Dean Farrand: We should let them see the map. They're going to get questions off the map.

Denise Birmingham: It will answer questions.

Dean Farrand: There's a lot of you.

LAUGHTER FROM THE PUBLIC

Dean Farrand: So don't all come running up to look at the map at the same time please.

Attorney Garigliano: Why don't we consider recessing the public hearing for a couple of weeks so people can come in on their own time, meet with Nancy, look at the map. We'll keep the public hearing open and they can come back in a couple of weeks and make whatever comments they want to make.

ALL TALKING AT ONCE

Chairman Deutsch: One at a time, please.

Thomas Schneider: I can see where this is headed. I live on Highview Acres. Has a permit been given to start building the four bedroom home, or whatever it is on the lot? Because something is being built there already. Has anything been given? Any permission? This is what bothers me. We hear about this stuff and then I go down the road, I take my usual nightly walk and there's...I'm watching this whole area getting cleared out. I was like, did they ask for a permit for this? What happens is if I tried that, okay, as a tax payer. You know damn well you guys would be down there in two minutes shutting me down. Okay, but the camps, but I'm sorry I'm gonna say it, 'cause nobody wants to rattle anyone's feathers, they get away with a lot of stuff. It's gotta stop. As taxpayers we're tired of it. We know what's going on. They need also, as neighbors, to follow the law. It applies to them too, just as it does to us. Can I get that answered.

Chairman Deutsch: When we go through all the questioning. Thank you.

George Dye: The first question I want to know about it, I was told that since there's no speed limit posted on our road, you can go through there 55 miles an hour and I'm wondering if that's true or not. If there's nothing posted you go the state speed?

Ray Kelly: That's State Law.

George Dye: My next question is, is the property value going to go up or down. Are our taxes going to go up.

Chairman Deutsch: Thank you.

Mike Kaiser: I also have concern like Barbara did over the water issue. Now when they were hooked up to the Village water, I know the Town has nothing to do with it, our water pressure went down while

they were in operation during the summer. Now they're going to ask more buildings and then our water pressure is going to go down even more. They're not paying any taxes. This is a camp that's going to build more buildings. Where's the benefit for the Town to allow them special permits to build more buildings on this property. They're not benefitting us at all. They're just putting more pressure on our resources UNCLEAR TAPE I want to know how are they allowed to continue to build 'cause they do have a temporary building permit when we weren't informed of the first meeting. How is this allowed and is there anyway we can stop the building until this issue is resolved. I'd like to see a temporary hold on any building until this issue is resolved. All issues.

Chairman Deutsch: Thank you. Yes?

Judy Sisselman: I live across the road UNCLEAR TAPE There have been problems at times for many years. A lot of water and septic UNCLEAR TAPE

Chairman Deutsch: Can you speak up a little please?

Judy Sisselman: It runs off into my pond and I was wondering whether the DEC is aware of all of this plus all that mud. I drove down the road yesterday that by Barbara's house its going down over the hill and into the ditch which runs into my pond. And that road is in atrocious, atrocious condition. How the Town can allow that is beyond my comprehension. The other problem that I've had, last summer and the summer before when they added new buildings is that certain times of the day and I happened to be home, why my clocks would go off, or why I was running out of electric, or why my electric was UNCLEAR TAPE. I spoke to one of the electricians that worked on that and they said it's because they turn on the air conditioners first thing in the morning because they just put in air conditioning two years ago and they need that power, so they're drawing down on our power grid. So we finally fixed most of the water problem UNCLEAR – TOO FAINT ...now we have a power problem too, so it's not just one item and it is beyond comprehension UNCLEAR – TOO FAINT ...to there are a lot of problems that need to be addressed by somebody. UNCLEAR – TOO FAINT – PAPER RUSTLING... so where are they hooking into the septic, are they hooking into the main. UNCLEAR TAPE can we have them come and explain what they're doing. And I understand that after they do these two buildings they're going to be adding more. So, our quality of life UNCLEAR ---- we're paying taxpayers in the Town and I think we need to be kept up to speed on what's going on UNCLEAR

Joanne Malley: I'm wanting to know where they're going to put all the parking. Are they going to put a parking lot off the end of the street, so we have all that traffic all night long and all day long. And also the speakers. We have a camp up behind us. The loudspeakers, they're on it from noon until after midnight, just blaring it away.

Chairman Deutsch: Thank you.

Mike Kaiser: I'd like to reiterate that I'd like to know if we can get a cease and desist until these issues are solved.

George Dye: What is the definition of special for the special children. Are they autistic or UNCLEAR ...and is this camp going to be operating from May to September or all year.

Chairman Deutsch: Anyone else?

David Pollack: I live on Weiss Road. I get the impression that the Town seems to let these tax exempt organizations do whatever they want without concern for local residents. Everybody here has that

concern and I'd like to see the town stand up for local residents and stop these tax exempt organizations from taking over, ruining other peoples' property and doing whatever the heck they want.

Chairman Deutsch: Anyone else?

NO RESPONSE

Chairman Deutsch: Okay. Since, no we're going to postpone, recess rather.

Attorney Garigliano: That's at seven o'clock when?

Dean Farrand: Wait a minute here I think we have another issue here.

Steve Sochinski: if you're going to recess this for another two weeks, that going to give them another two weeks to build.

Several Members of the Public: Yeah.

Dean Farrand: Are they under construction right now?

Chairman Deutsch: Mark, do they have a permit? Do they have a building permit?

Attorney Garigliano: There's clearly some issues involving the prior notice that we didn't know about until we got here that we need to look into. We can't look into it while we're sitting here, we need to look into it.

Chairman Deutsch: I didn't know about it until tonight.

Mike Kaiser: Can we get a cease and desist?

Attorney Garigliano: This is a Planning Board that doesn't have administrative powers. The Planning Board has the right to approve or disapprove subdivisions and approve or disapprove site plans. They're not the quasi-police inspector.

Mike Kaiser: The building inspector could.

Attorney Garigliano: the building inspector could, but we're not the building inspector and this is not the forum to have that discussion. This is a Planning Board meeting. You can have that discussion, you can call him.

Steve Sochinski: He's sitting right over there.

Attorney Garigliano: I know, but this is not the forum. This is a Planning Board meeting.

Barbara Sochinski: Can I ask a question then? We were just sent the planning notices for the public hearing for these two buildings that have changed since the original that you agreed on. 'cause what you agreed on is not what's being built or where its being built, then they need a stop work order. Until we get this all straightened out.

Chairman Deutsch: No, I think the issue is there was not proper notice for what we approved.

Attorney Garigliano: Right. I think the notice, 'cause the only thing that I reviewed was the contents of the notice.

Chairman Deutsch: Can we have no talking please. If you want to talk you can take it outside.

Attorney Garigliano: It's clear to me that there's some things that we need to look into. I don't know, what are the proposals other than to recess the public hearing. Give us a chance to look into the issues, address the issues. We're not going to be able to address some of these issues tonight.

Dean Farrand: I understand that, but the reality is that the proper notice was not sent out.

Attorney Garigliano: How do we know that?

Dean Farrand: We know that.

Nancy: I know that.

Attorney Garigliano: Both in content or the persons that were notified?

Dean Farrand: Persons that were notified.

Nancy: Persons that were notified. It was my mistake.

Attorney Garigliano: Fine. Okay.

Nancy: I freely admit.

Attorney Garigliano: I wasn't told, this is the first I'm hearing it.

Nancy: Well, you've been out of town a lot.

Attorney Garigliano: What I've been told was something different. What I was told was that the first notice didn't contain the single family house. I looked at the HASC application. It was not in the application. If the notices didn't go to the proper people, then.

Nancy: They went to the main parcel. They didn't go to all the locals, but it was advertised in the paper.

Attorney Garigliano: But our local code, even though it's not a state mandate, our local code requires it to be mailed, so I still think.

Nancy: it was my mistake.

Attorney Garigliano: My suggestion is that you recess the meeting and recess the public hearing until we can look into it and give proper answers as opposed to, there's obviously a lot of questions. I'm sure Mark has heard a lot of questions. I'm sure he can assess what his belief is that he should or shouldn't do. And it's important, I'm sure we all know sitting around this table that what Mark does, we don't tell Mark what to do or not do. We have a job, he has a job.

Chairman Deutsch: Anyone have any ideas or comments on what you want to do. Dean?

Dean Farrand: We've had a lot of public meetings where there's been no comments. I don't think these comments, these comments would have happened if there was a proper notice, I think. I think a lot of these comments would have come out and we would have been able to address them before we approved this site plan. We're in a fix, I guess it's a polite way to put it. 'Cause we don't have the authority to tell Mark what to do, we don't have the authority to do that.

Attorney Garigliano: You do have the authority to revoke the approval, but do you suggest we do or we don't?

Dean Farrand: We don't. We do.

Attorney Garigliano: But I don't suggest you do that until you've looked into the issues.

Dean Farrand: Well that's right where I was going, so I guess we can just talk about it bluntly. I'm not sure what stops us doing that, why that's not the right thing to do because this is the actual reasons you have public hearings, to get public input and find out things that we may have missed from people who live there and things that they know. I went up there that Sunday morning and they took me up into that stream and they explained what was going to happen if they did that and they're right. If they put those buildings where they were originally approved, there's Thelma McIvor, I believe she's in this room somewhere.

CHORUS FROM PUBLIC: She's not.

Dean Farrand: She'll be swimming in water in the spring-time. I think there's a significant amount of issues here that we should probably very well revoke it and stop the construction until we can look at this thing and get our hands around it. This is probably in the six years that I've been sitting in this room, probably the most extensive public hearing that I've been part of and I think there are some very significant issues here. Some of 'em are things we can't do a thing about and I explained to people what this Board does and what this Board can't do. But there are things here that I honestly think that every one of us would have looked at a little bit different if we had this information the first time around.

Nancy: I would like to apologize for not noticing correctly. It was my mistake. I'm not trying to hide it in any way.

Chairman Deutsch: No.

John Van Etten: Nobody's suggesting that.

Dean Farrand: No we know it was a simple mistake.

Ray Kelly: This issue is that they're moving the buildings from the back, not where we approved them, and there was no proper notice for the building across the street.

Dean Farrand: Nor were the proper people notified at all.

Attorney Garigliano: I'm always willing, as you know Dean, to do whatever you like, but I would, if you're going to, the majority of the Board to revoke an approval, I think we should have a very carefully drafted written resolution that lays out the facts and the reasons. And I didn't, among other issues, I got the agenda and this wasn't on it.

Dean Farrand: Right, it wasn't on it.

Chairman Deutsch: None of us have it.

Ray Kelly: Two things that we approved, the house and the location of the buildings across the street. If they want to change the locations of the buildings across the street, they're going to have to have another public hearing on it anyway.

John Van Etten: Correct.

Ray Kelly: So they should have had a stop work order on it anyway. And if they didn't get proper notice on the house, we technically should approve that also. Have a public hearing on it.

Dean Farrand: Nor did they have proper public hearing notice for the two buildings. And that's the problem, the neighbors weren't even notified.

Ray Kelly: Right, but that we can't justify at this point. We can because they've moved the location. Even if we approved it, it's no longer what we approved.

Dean Farrand: And we brought things back in front of the Planning Board.

Attorney Garigliano: Let's make it clear for the record how you know that. You went up and looked?

Ray Kelly: Right.

Attorney Garigliano: Yeah, that's what I'm saying. You're not taking the neighbors' word for it. It's your own reservations.

SEVERAL TALKING AT ONCE

Dean Farrand: I was physically there.

Attorney Garigliano: It's your own personal observation.

Ray Kelly: There was a change in what we approved and there was a mis-notification of what we approved.

John Van Etten: Yes.

Ray Kelly: So both parts don't need anything UNCLEAR Notice was not properly served, so what do we do? What do we have rights to?

Chairman Deutsch: Yes, Randy.

Randy Wasson: Engineer for the Camp. Just for a few clarifications. I understand the comments. I understand the concerns. UNCLEAR – VERY FAINT... I think it's absolutely fair not to recess the hearing. UNCLEAR take some of these comments under advisement. Maybe more members of the Board can go to the site. Frankly I'd like to go to the site. I haven't been over there since they started construction. But rather than revoke their permits, if you were to recess this for two weeks, it is my understanding that they were building one of the two dormitories and preparing to build the single family house. That's my understanding at this time. I just, for a little bit of history, there's nothing that was UNCLEAR – TOO FAINT I was originally before the Board on December 7<sup>th</sup>. My original application showed two

dormitories at the opposite end of the site. at that point in time, after our submission to the Board, prior to a hearing on December 7<sup>th</sup> the camp asked me if they could, they wanted to add the single family house across the street to their application. I was before the Board. UNCLEAR – COUGHING ON TAPE I mentioned that there was a single family house addition to the plan and did you want me to prepare a separate application or just want me to include it on the next site plan. Your response was that you wanted me to put it on the site plan. Which we did. We resubmitted it to the Board on January 19<sup>th</sup> it included the relocated buildings, the revised sizes and it included the house across the street. That was on January 19<sup>th</sup>. None of those things have changed on our plan. Then it was approved by the Board ultimately on March 1<sup>st</sup>. I understand that everybody wasn't notified and again that was just a mistake and again I have no problem with the comments I have no problems with your assessments. I would request UNCLEAR – VERY FAINT... would need some verification as to the location of these buildings. I'm certain we can locate them, show them on the revised site plan two weeks from now if that's the recess thing. And then we'll have something accurate to show and we'll also show the proposed construction road which I understand they're not using at this point in time.

#### SEVERAL UNCLEAR COMMENTS FROM THE PUBLIC

Attorney Garigliano: It's not going to help to have a debate.

Chairman Deutsch: Excuse me sir, it's not a debate right now.

Randy Wasson: They have intentions of reseeding it now. They also suggested, they put a pile of dirt or something so there's no access there. They would grade it and seed it. It's not done yet, but that's their intentions. We can prepare a site plan that can accurately reflect UNCLEAR – TOO FAINT We could have it ready in a week to give everybody an opportunity to review the plan as built to this date, not continue construction, put a stop work order on it. UNCLEAR – TOO FAINT

Barbara Sochinski: I have something to say on the road. The boulders are not going to work because we were told on Sunday that that road was not going to be used after construction was done. In the meeting we had with Mr. Kahn on Monday, 36 hours later, he's going to put a pile of dirt there so he can use that road in the future is what he said.

Chairman Deutsch: We're going to be continuing this. All of your questions have been taken.

Attorney Garigliano: We've got all the questions. How sure are we, and I'm asking people that were there because again, it wasn't on my agenda so I didn't go by there Sunday morning. How sure are we that the locations of these buildings are not on the approved map. Completely sure?

Dean Farrand: I would say I was about 99% sure that he's moved the buildings. Because that's the discussion we had that he was going to move the buildings forward. We talked about what he'd have to do to do that because of the COUGH ON TAPE and what he'd offered to do at that time was to consolidate those sublots up there so they'd be one master lot, which he's not done yet. You were going to say something?

Mark Van Etten: I can probably tell you exactly where it is. From the swale from the Mclvor property over. I think you have some colored pictures where it did some overlays on the pictometry. From the swale over to the foundation the existing 40 x 80 foundation is exactly 212 feet from the swale over to the existing foundation from that swale to the back end of the foundation I think is about 85 feet.

Attorney Garigliano: Where is it shown on the approved site plan. Same location or different location.

Mark Van Etten: I don't think there are any dimensions on the site plan.

Attorney Garigliano: Well there's a location. It's scalable.

Denise Birmingham: Right here.

Dean Farrand: Mark, come up here. This is the back swale. They've moved these buildings.

Mark Van Etten: It's from this property here over 212 feet directly this way. Like you said when we were in that conversation. They moved it just down. From the edge of the swale it's about 85 feet down here.

Dean Farrand: It's 85 feet this way?

Denise Birmingham: It's considerable.

Ray Kelly: When you noticed it there would have been three feet of snow on the ground.

Attorney Garigliano: Why don't you ask Mark if he is going to suspend or revoke the permit.

Mark Van Etten: How about a stop work order?

Dean Farrand: You'd put a stop work order on it?

Mark Van Etten: First thing in the morning.

Dean Farrand: We can't do that.

Chairman Deutsch: Randy already agreed.

Attorney Garigliano: He has to do that. Randy said he would agree to it. It's up to Mark to tell us.

Dean Farrand: He can do that.

Attorney Garigliano: Absolutely.

Dean Farrand: Then we don't have to revoke it.

MEMBER OF PUBLIC: Thank you.

Dean Farrand: Which is fine.

Denise Birmingham: I don't think we should debate where the location is. I think it should be located so that we know exactly where it is and not debate.

Chairman Deutsch: So, Randy, we will need new maps showing exact locations. Okay.

Attorney Garigliano: Now I don't know how to handle the public hearing and I throw this out. Since the map is going to be a different map. Maybe you close the public hearing and we re-notice it.

Chairman Deutsch: That would make more sense.

Dean Farrand: That would be more where my head's at. I mean they certainly all know about it so they can come up with whatever questions they have.

Attorney: Yeah, that's right.

Chairman Deutsch: We have present questions, there may be more questions after they,

Attorney Garigliano: There maybe be more, not less.

Chairman Deutsch: When the maps are ready, which you say will be in about a week, they will be in the office for anyone to look at.

Barbara Sochinski: Town Clerk's office?

Nancy: Building Department.

Chairman Deutsch: Building Department.

Nancy: The Building Department.

Dean Farrand: Upstairs, second floor.

Chairman Deutsch: So, anyone can take a look and whatever other questions they have when this is renoticed for a new public hearing, you can come at that time with any other questions you may have. One and then we're closing this public hearing.

Steve Sochinski: That means that until we have this next meeting that stop work order will be stay until then.

Attorney Garigliano: That's up to Mark. That's not up to us.

Dean Farrand: That's the understanding we have from Mark.

Attorney Garigliano: You hear it like we heard it.

Dean Farrand: We've got one more question back here. This man has been raising his hand.

Chairman Deutsch: Yes sir.

George Dye: We asked a lot of questions and I would like to know, where and how we'll get the answers.

Chairman Deutsch: We're going to have a new public hearing in two weeks. Wait a minute I'm not going to be here in two weeks. What's the date in two weeks.

Nancy: The 17<sup>th</sup>.

Chairman Deutsch: I'm not going to be here on the 17<sup>th</sup>.

Attorney Garigliano: You're not going to make it anyway because we don't want to send the notice out until we get the new maps.

Chairman Deutsch: Okay, so it's the next meeting.

Attorney Garigliano: So if we come back the 17<sup>th</sup> we could look at them and we could schedule it that meeting.

Nancy: So that would be June 7<sup>th</sup>, which is the next Planning Board meeting.

Attorney Garigliano: If there's a material change, we'll know if we have to do a new SEQR when we compare the two maps.

Chairman Deutsch: Okay.

Nancy: You want to do it June 7<sup>th</sup>

Chairman Deutsch: June 7<sup>th</sup>.

Nancy: For the next Planning Board meeting?

Fred Thompson asked if there were going to be proper hearing notices

Chairman Deutsch: You will get noticed.

Fred Thompson: I haven't got one yet.

Nancy: You have to be within 500 feet. Anybody's welcome to come see how I do it. I'm sorry I made a mistake last time. But this time I took the ruler and went around the edge of the property where the two buildings were supposed to be 500 feet and I wrote down all the SBL's. Then I went on Townsoft and looked up everyone's address and name. I did the same where they're putting up the single house. I went around 500 feet of that parcel and checked everyone's name according to the taxes. So, if you were like 502 feet away you may not have got one even though you are right on that road. So if that's the case, I'm really sorry.

Attorney: Yeah, don't worry.

Chairman Deutsch: Okay.

Dean Farrand: Just for clarification, where do you live?

Fred Thompson: First house on the left.

Mike Kaiser: He might be over 500 feet.

Dean Farrand: You're probably right outside it.

Mike Kaiser: We'll let him know.

Chairman Deutsch: Okay.

Dean Farrand: So that's probably what it is you're 503 feet or whatever it is.

Chairman Deutsch: So we want to do the June 7<sup>th</sup> regularly scheduled meeting.

Attorney Garigliano: I don't think we need to schedule it tonight, because when we get the maps on the 17<sup>th</sup>, we'll be recessed. There may be questions, we may not be ready.

Chairman Deutsch: But we're not meeting again on the 17<sup>th</sup>.

Nancy: I thought we weren't meeting again until June 7<sup>th</sup>.

Attorney Garigliano: Then how do you know that the maps are okay?

Nancy: Alright, let me know.

Attorney Garigliano: I misunderstood I thought we'd come back in two weeks, look at the maps and if the maps are proper and if the application is the same as the maps, then schedule the public hearing. That's what you were asking Dean, correct?

Dean Farrand: Yeah, that's correct.

Nancy: Then schedule that for June 7<sup>th</sup>.

Attorney Garigliano: No you'll schedule it on the 17<sup>th</sup> if it's ready.

Nancy: Right, that's what I was saying.

Barbara Sochinski: So it's not a public hearing on the 17<sup>th</sup>.

Dean Farrand: The 17<sup>th</sup> is for us to look at the map to make sure everything makes sense and then we schedule a public hearing.

Chairman Deutsch: If everything looks good on the 17<sup>th</sup>, then it would be scheduled for June 7<sup>th</sup>.

Nancy: But you're welcome to call and stop by the office as soon as we receive the maps. If you want to call and check you, you welcome to do so.

Chairman Deutsch: Can I have a...

**ON A MOTION MADE BY DEAN FARRAND AND SECONDED BY JOHN VAN ETEN, THE PUBLIC HEARING WAS CLOSED. ALL IN FAVOR. APPROVED.**

Chairman Deutsch: So Randy, you'll have the maps ready for a meeting on the 17<sup>th</sup> then?

Attorney Garigliano: These have to appear about a week before that.

Randy Wasson: Yeah, today is the 3<sup>rd</sup>. Yeah, I'll have them to you in a week.

Attorney Garigliano: Nancy can mail them.

Randy Wasson: I can't have them to you by the end of the week.

Nancy: The 10<sup>th</sup>.

Randy Wasson: I'll have them here on the 10<sup>th</sup>. Want me to do a new application now with the building sizes?

Attorney Garigliano: I think you need to be guided by what your new map looks like. If you go out and locate the foundations.

Randy Wasson: But I'm saying, do you want a new application.

Attorney Garigliano: I don't think that's up to us, I think that's up to you.

SEVERAL MEMBER OF PUBLIC TALKING AT ONCE.

Chairman Deutsch: We're still doing the meeting, can you go outside.

Randy Wasson: I just think it's important that the description when advertised match the map, I don't know that the application has to change. I'm mean I'm not. You haven't revoked the approval. We have the application that we're still working under, I'll do whatever you want but, uh, just asking the question.

Dean Farrand: I'm sorry I wasn't listening to you.

LAUGHTER

Dean Farrand: I'm just being honest.

MORE LAUGHTER

Attorney Garigliano: Do you have a preference if he continues with the current application or files a new one, and that's their call not our call. I don't think we have a preference. The record is clear. The January record is perfectly clear. I looked at the minutes. You said you added the single family house. It just didn't make it into the public hearing.

Randy Wasson: Right. And the maps did reflect the revised building sizes and locations too.

Attorney Garigliano: I'm not sure that's true.

Chairman Deutsch: Not the location.

Dean Farrand: I don't think that's true. Location's probably not true.

Randy Wasson: I haven't been out there, but...

Attorney Garigliano: I think you're going to be surprised when you go based on what these two guys say and they're both able to measure.

Randy Wasson: Well we'll shoot out there.

Ray Kelly: is there something about the stream that should be on the map too?

Chairman Deutsch: Say that again.

Attorney Garigliano: We're going to have to have info on that.

Denise Birmingham: And what about this roadway that seems to be crossing lands that does not belong to HASC. Should that road be located?

Chairman Deutsch: I think so.

Randy Wasson: I'm going to locate the road. As you know it was never on our map, it was never...I think it was a construction phase decision that this was easier access. And they realized, the neighbors realized, well number one their road is in bad shape and this was just going to make it worse, so. The camp has agreed to, they're not going to push the issue, they're saying okay fine we'll access the way we were originally going to access it.

Lynn Dowe: It has to be cleaned up.

Randy Wasson: Yeah, again I haven't seen it but they told me that they're perfectly willing to clean it up. See how you do things in stages, you don't actually do all your clean up first or last. We'll get you a revised map.

Nancy: What did you decide about the application then?

Attorney Garigliano: We didn't, it's up to them. if they feel they need to clarify it, great. I looked at the minutes because of the other issue involving the house. It was in the January minutes that you indicated to the Board that there was an addition of a single family house. It just didn't make it, among other deficiencies that we noticed tonight, it didn't make it into the public hearing notice

Randy Wasson: Thank you.

Chairman Deutsch: Okay.

**Gary Miller**  
Special Use Permit  
342 Route 52  
SBL: 32.-1-14  
Zone: RS # 2010-0008

Gary Miller appeared for this project. The 239 review was received from County Planning with a recommendation for a local determination. After a short discussion wherein the Board members questioned Gary about the sign and the business hours, it was determined that the file was complete and the applicant has done all the Board asked.

**ON A MOTION MADE BY LYNN DOWE, SECONDED BY JOHN VAN ETEN, APPROVAL OF THE SPECIAL USE PERMIT TO OPERATE AN ICE CREAM STAND IN EXISTING RESIDENTIAL/COMMERCIAL MIXED OCCUPANCY BUILDING FOR GARY MILLER WAS GRANTED WITH THE CONDITIONS THAT THE SIGN ON THE FRONT OF THE BUILDING WILL BE NO LARGER THAN 3 FOOT BY 12 FOOT AND THE BUSINESS WILL BE OPEN AND OPERATING NO EARLIER THAT 8 A.M. AND NO LATER THAN 10 P.M. ALL IN FAVOR. APPROVED.**

**Samuel Goldberger / Green Acres Cottages Inc.**

Special Use Permit  
20 Denman Road  
SBL: 30.-1-90.3  
Zone: SC #2011-003

Moses Goldberger appeared for this project. The 239 review was received from County Planning with a recommendation for a local determination. The questions raised by Mr. Boornazian at the public hearing portion were answered. How many acres did Green Acres contain? Moses Goldberger said there were 11 acres. How many cottages were there? The Board and Mr. Goldberger did not come up with an answer as several of the buildings on the site plan were marked with several numbers. Do they all have porches? Yes, most all of them do. Is there or will there be a shul? Mr. Goldberger said wherever 10 or more Jews were together there would always be a shul. He said there was already a shul it was listed as the "barn". Do they pay taxes? That is not a Planning Board issue. Will they put up a pool? There is already a pool. Where was the septic located and would there be any further building above it on the parcel? It was pointed out on the site plan where the septic was and explained that there would be no building above (North of) it. Was this a special use permit? Yes it is a special use permit. A short discussion was held about sunrooms wherein the Board agreed that the sunrooms should be in excess of 40% glazing area of the exterior walls and have a weather door (weatherproof) from the sunroom itself to the remainder of the house interior.

**ON A MOTION MADE BY JOHN VAN ETEN, SECONDED BY DEAN FARRAND, APPROVAL OF THE SPECIAL USE PERMIT FOR PROPOSED DECKS AND SUNROOMS HAVING 40% GLAZING ON OUTSIDE WALLS AND ROOF WITH A WEATHERPROOF DOOR TO REMAINDER OF THE HOUSE INTERIOR FOR SAMUEL GOLDBERGER / GREEN ACRES COTTAGES INC. WAS GRANTED. ALL IN FAVOR. APPROVED.**

**Camp Rayim, Inc.**

Special Use Permit  
263 Breezy Hill Road  
SBL: 5.-1-1  
Zone: RD #2011-0006

Bill Sattler and Moshe Rosner appeared for this project. After a short discussion by the Board it was determined that the file was complete.

**ON A MOTION MADE BY DEAN FARRAND, SECONDED BY JOHN VAN ETEN, APPROVAL OF THE SPECIAL USE PERMIT TO CONSTRUCT 85 X 100 POLE BUILDING ON FORMER PAVED BASKETBALL COURT FOR CAMP RAYIM WAS GRANTED. ALL IN FAVOR. APPROVED.**

**Werner Colony Holdings LLC**

Special Use Permit / Re-approval  
County Route 15 / State Route 55  
SBL 46.-1-6 & 7.1  
Zone: RS/RD #2008-0006

After a short discussion it was determined that the Board could grant one last extension for six months. This project was originally approved on November 4, 2008.

**ON A MOTION MADE BY DEAN FARRAND, SECONDED BY LYNN DOWE, AN EXTENSION WAS GRANTED FOR SIX MONTHS UP TO AND INCLUDING NOVEMBER 2, 2011, THIS BEING THE LAST EXTENSION TO BE GRANTED ON THIS PROJECT TO CONSTRUCT 8 NEW UNITS IN REAR OF PROPERTY, WHICH UNITS INCLUDE FOUR 2-FAMILY STRUCTURES FOR WERNER COLONY HOLDINGS LLC. ALL IN FAVOR. APPROVED.**

**Lake Marie Homes**  
Subdivision  
Lake Marie Road / NYS Route 52  
SBL 35-2-7  
Zone: RD / SC #2006-0039

Ron Cobb of Hawk Engineering and Marshall Schiff of White Plains appeared for this project. Applicant Paul Savad remained seated with the public. Marshall Schiff had prepared the Homeowners Association Agreement ("HOA"). John Van Etten said there were several errors in the HOA, one being "dedicating the roads to the Town" and on page 25 listing 60 homes when in fact there will be only 31. Mr. Schiff interrupted and stated that once the project received final approval then it would be done in corrected form. That for now the proofreading was done by himself and some of his staff and he apologized for any errors. Chairman Deutsch asked about a budget, a long term plan and what happened if they only sold one or two homes. How did they pay for the rest of the fees? It shows the sponsor not obligated for the dues or the short fall. How will it be secured? Attorney Garigliano said that it will need to go before the Town Board for a Transportation Corporation and until the Planning Board was happy with the HOA it wouldn't be going there. Attorney Garigliano mentioned this fact to Mr. Schiff three different times during the discussion. Mr. Schiff said it appeared that part of the HOA was missing as his appeared to have much more information in his copy. It was determined that it would have to be redone with lots of corrections and better information.

The Board then turned to the maps. Denise Birmingham first discussed lot 31 and the road attached to it. Attorney Garigliano explained to her that it was done that way so that the Town wasn't forced to take over the roadway and the sponsor can be responsible. He also explained that Town Attorney, Ken Klein requires financial security by bond for the roads when they reach the point of actually putting the roads in so they know the roads will be built. Dean Farrand said that lot 1 was in the buffer zone and it can't be there. He also said there was no mention of a phased concept, his concern being that if they only sold one or two houses, that was a lot of roadway for one or two houses. John Van Etten pointed out the curb cut for a driveway on Route 52. He said he believed it was a dumb idea, especially because of the speed of the traffic on Route 52 and there being no sight distance at that spot. The applicant said they would be checking with the DOT. After a short discussion it was determined that they would have to come back with a site plan showing a better zoning chart showing total owner land usage and with a corrected HOA.

**Camp Agudath**  
Special Use Permit  
144 Upper Ferndale Road  
SBL: 29.-1-25  
Zone: RS #2010-0027  
(see below)

**Camp Agudath**  
Special Use Permit  
144 Upper Ferndale Road  
SBL: 29.-1-24.1  
Zone: RS #2010-0026

Gary Silver and Meir Frischman appeared for this project along with John Horton, the architect. Gary Silver explained that the two parcels were merged. Denise Birmingham said that according to the dictionary “the term gazebo referred to a small roofed structure that is open on all sides” and the buildings on the site plan listed as gazebo did not appear to be those type of structures. Meir Frischman said it was just a name they called those buildings but they were in fact used as classrooms. It was determined that they were 16 x 24 foot buildings. Dean Farrand asked Mark about a verification on the laundry building. It was determined that once the site plan was approved Mark would make sure the building met Code. The issue of the landscaping deadline was discussed. Meir Frischman said the deadline was for June 30 and he would have it done by then. He asked about changing they type of plants and if he would need Board approval for that. It was determined that he should stay with what he had on the proffered sheet. The resolutions were discussed and the change made is to be typed up by member John Van Etten and forwarded to Nancy the secretary via e-mail for inclusion in the final resolutions.

**ON A MOTION MADE BY JOHN VAN ETTEN, SECONDED BY RAY KELLY, A RESOLUTION WAS PASSED GRANTING APPROVAL SITE PLAN AND AUTHORIZING THE ISSUANCE OF A SPECIAL USE PERMIT FOR THE EXTENSION OF A NON-CONFORMING USE ON UPPER FERNDALE ROAD, LIBERTY, NEW YORK. FORMERLY SBL: 29.-1-25. ALL IN FAVOR. APPROVED.**

**ON A MOTION MADE BY JOHN VAN ETTEN, SECONDED BY DEAN FARRAND, A RESOLUTION WAS PASSED GRANTING APPROVAL SITE PLAN AND AUTHORIZING THE ISSUANCE OF A SPECIAL USE PERMIT FOR THE EXTENSION OF A NON-CONFORMING USE ON UPPER FERNDALE ROAD, LIBERTY, NEW YORK. SBL: 29.-1-24.1. ALL IN FAVOR. APPROVED.**

**NEW BUSINESS:**

**Vladimir Romaniv**  
Special Use Permit  
Station Hill Road  
SBL 36.-1-108  
Zone: IC #2011-0007

Steven Green appeared for this project. After a short discussion wherein it was determined the building was in need of extensive work, with emphasis on setback issues and use as a residence

in an IC zone, the Board disapproved the application and is sending this applicant to the Zoning Board of Appeals for a use variance due to violations with side yard setbacks. The use issues can be referred to the ZBA by Mark Van Etten if and when a building permit is applied for.

**ON A MOTION MADE BY DEAN FARRAND, SECONDED BY JOHN VAN ETTEN, THE PLANNING BOARD DISAPPROVES THIS APPLICATION AND REFERS IT TO THE ZONING BOARD OF APPEALS FOR AN AREA VARIANCE DUE TO VIOLATIONS WITH SIDE YARD SETBACKS. ALL IN FAVOR. APPROVED.**

**Sullivan Alliance for Sustainable Development**  
Information only

Nancy, the secretary for the Board, said she received a telephone call earlier in the day stating that the representative for the above-referenced entity said they would not be attending tonight due to medical issues and re-scheduled for the June meeting.

**ON A MOTION BY DEAN FARRAND AND SECONDED BY JOHN VAN ETTEN, THE MEETING WAS ADJOURNED AT 9:35 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 May 3, 2011 are not to be construed as the final official minutes until so approved.

  X   Approved as read