

**TOWN OF LIBERTY  
PLANNING BOARD MINUTES  
SPECIAL MEETING  
May 19, 2009**

**MEMBERS PRESENT**

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

**ABSENT**

**ALSO PRESENT**

Mark Van Etten, Building CEO  
See attached sign in sheet

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**CHAIRMAN DEUTSCH CALLED THE MEETING TO ORDER AT 7:10 PM.**

**Ironic, LLC**  
Special Use Permit  
Application for Renewal of License  
Willi Hill Road (Town Road #86)  
SBL 42-1-17.2  
Zone: AC

Jacob Billig and Randy Wasson appeared for this project.

Jacob Billig: It's a relatively simple matter. I spoke to Walter and he said we could go on. We were here two months ago. The Board instructed us to do some background investigation to do water quality testing. That was the last time we were here. We submitted into the record a letter from Randy Wasson as well as a letter from our hydrologist TAPE UNCLEAR. We went through Eric Hanson, went through the rationale to do a half mile radius of testing and certain quality issues. Randy submitted further information about the soils to support the half mile radius and what we want to do for testing. We cannot begin the testing until the Board signs off. This was sent to Mr. Shepstone, Mr. Shepstone in a basic e-mail in one sentence, "I have no problem with the testing." So before we go out and do the expenditure to get that data, I just wanted to show up here for two minutes and I'm assuming you guys will concur with the experts and that's my sole purpose of being here is just to get your concurrence on the record with what Mr. Shepstone is saying and what our experts are saying.

Chairman Deutsch: Anyone?

Dean Farrand: Are we just talking about the radius?

Jacob Billig: It's a half mile radius.

Dean Farrand: What are we testing for? If you're asking us to sign off on what we're going to test for.

Jacob Billig: I don't know if you have Mr. Shepstone's e-mail?

Chairman Deutsch: Yeah, but it doesn't say anything.

Dean Farrand: It doesn't say anything.

Ray Kelly: The standards cited would appear to be appropriate.

Jacob Billig: At the end he says

Randy Wasson: He references the EPA and ASTM Standards that are standard, they're both applied to junkyards specifically and to other water quality tests dealing with other petroleum products and other products not petroleum but such as anti-freeze and that sort of thing. It's a pretty comprehensive test and its appropriate for this application.

TAPE UNCLEAR

Chairman Deutsch: Is this specific testing?

Jacob Billig: Yes.

Dean Farrand: Here, if you want me to read it.

Chairman Deutsch: Yes, go ahead.

Dean Farrand: The groundwater testing requirements have been selected to fully evaluate the potential groundwater impact from the existing junkyard on the down-gradient users. Junkyards are commonly associated with metals, petroleum products, gasoline, diesel and motor oil, synthetic automotive products like ethylene glycol, anti-freeze and at times PCBs. The ground water quality sample should be analyzed for petroleum compounds, anti-freeze, PCBs and metals. The following analysis are recommended: EPA method 8260 for volatile organic compounds associated with gasoline and diesel fuel, EPA 8270 base neutrals for semi-evolved organic compounds associated with diesel, motor oil and hydraulic fluids, ethylene glycol and 8RCRA metals, arsenic, barium, chromium, cadmium, lead, mercury, selenium and silicone. In addition to the individual metals iron, copper and zinc. These analysis include parameters of the common-volved organic compounds, the semi-volved organic compounds commonly associated with the petroleum products, anti-freeze and metals. PCBs were formerly commonly found in electrical transformers.

TAPE UNCLEAR – SEVERAL TALKING AT ONCE – PAPER SHUFFLING

Jacob Billig: It's kind of standard and from a layman's standpoint, myself, it all makes sense. I mean that's what you'd expect from cars.

John Van Etten: Is it the same ones that were in your business plan that you submitted to us. There was reference to a series of tests.

Jacob Billig: Yes.

Dean Farrand: I think it goes beyond that in some parameters.

Jacob Billig: Right it is consistent because that's what DEC is going to want us to look at anyway, so there's an over-lapping intentionally. And the benefit of this is that it's going to really give us a base-line, which is important on a go forward basis.

Dean Farrand: Okay, now who... is there a well within a half mile?

Jacob Billig: There's really three. There's the Ironic well and there's the two neighbors. Those are the only two houses.

Chairman Deutsch: Have you approached them?

Jacob Billig: Haven't done that, wanted to get your sign off. Once I have your sign off to go forward, we will write them and make the offer.

Dean Farrand: Didn't Ironic say the last time the neighbors are not on the down-gradient side?

Jacob Billig: Well, down-gradient as in multiple sides. It is my understanding is they are down-gradient.

Randy Wasson: Yes they are.

Peter Stettner: He's up on a crest of a hill.

Jacob Billig: Yeah, exactly.

Dean Farrand: I thought I asked specifically who would effected by, let's see, this is Torrens right here. And this is the other guys are right in here, I don't have their house, but it's right about in here and they both use the easement through the junkyard.

Chairman Deutsch: Right.

Dean Farrand: And those are both down hill.

TAPE UNCLEAR – SEVERAL TALKING AT ONCE

John Van Etten: 1380 versus 1440, sixty feet long.

Dean Farrand: So it's really going to result in two tests, along with Ironic's own well.

Jacob Billig: That correct. For all those different parameters that you read and we're going to, once we get your authority, we'll write them. I'm assuming they'll say come out. If they say don't come out, there's nothing we can do. We made the offer, I'm going to guess they're both going to say yes. I don't know why they wouldn't. But now we tried to do this orderly, we have Shepstone and Walter sign off on our approach, we get the Board to authorize it and we go to the neighbors, we actually do the testing. I

hope to return here in a month, give you the results and at that point I'll submit to you that I don't think we have any issues left, we can begin final SEQR.

Dean Farrand: How far away is that. This is a house, this is a barn but there's...

Randy Wasson: Nobody's lived there in years. That would have been the logical.

Dean Farrand: But it's a house there right?

Randy Wasson: It is a house, but we don't know anything about it, who owns it.

Dean Farrand: That's what I was driving at, the well has got to be still there.

Chairman Deutsch: It's probably Weiss' property but he doesn't live there.

TAPE UNCLEAR

Ray Kelly: I think the three wells, the two of them neighbors, gives them their baseline.

Chairman Deutsch: Everyone feels that?

Several Board Members: yes

John Van Etten: As long as it's more than one that's fine with me.

Ray Kelly: If we just ask for a baseline for future comparison.

Denise Birmingham: Could you pass that down a little.

Object is passed.

Denise Birmingham: I suppose you could always ask Dave Weiss also.

Jacob Billig: But there's no one living there, so I don't know how...

Denise Birmingham: That doesn't matter if someone is there.

Dean Farrand: I don't know what the negative.

TAPE UNCLEAR ALL TALKING AT ONCE

Chairman Deutsch: It matters to see if anything is leaching, that would be the reason to matter.

Denise Birmingham: And it's certainly, this is on a scale of 1 to 2 hundred. It's 1,000 feet away. What about on the other side?

Jacob Billig: There are no houses within a half mile.

Denise Birmingham: And a half a mile from where?

Jacob Billig: The center, where Diane just pointed.

Chairman Deutsch: The work area is here.

Randy Wasson: It's not from the boundaries of the property, it's really from the work area.

Chairman Deutsch: The work area.

Denise Birmingham: The dismantling area.

Dean Farrand: I just think that we ought to do some due diligence to find out whether we cannot, and if we can't then we need to get that in record that we approached Weiss and Weiss and Weiss refused and so on and so forth.

Jacob Billig: Or didn't respond.

Denise Birmingham: Absolutely.

Chairman Deutsch: So you'll add Weiss to your list, so that would be four wells.

Ray Kelly: I wonder if there's a drilled well there.

TAPE UNCLEAR – ALL TALKING AT ONCE

Dean Farrand: I would just like it on record that you went there and there was no well there. Obviously, we're not going to have you drill a well.

John Van Etten: The other concern which Randy is going to voice as well, is that if the well is stagnant and there's all stuff there like sulfur and stuff like that's going to build up, I don't know if it's going to give a good test.

Randy Wasson: That would be my only concern if the well hasn't been used in a long time. It wouldn't be a case of going and running the water for 15 minutes and then taking a test, which is what the protocol is.

Jacob Billig: How many years if the house was shut down would you have that concern.

Randy Wasson: It could be a year.

Jacob Billig: Clearly, I'm just going to guess that that place has been shut down for over five and probably over ten.

Randy Wasson: That's my only concern. They may have a well, they may not even have a pump in it. It they have a pump and its operational and maybe they have to turn the power on in the house. I mean somewhere we have to draw a line, that's my concern with it.

Ray Kelly: What if you make the offer to them and if there is a drilled well there, and they can make it operational you will have it tested.

Jacob Billig: Right because there may be some cost associated with that which they may not be interested in.

Ray Kelly: That's fine, but they'll have to pay the cost of making it operational.

Dean Farrand: At the very least we should make sure that we have on record that it was offered to him to have it tested, just like the rest of the neighbors because he is well within that half mile radius. Otherwise I guarantee you it will come back and bite us.

Denise Birmingham: And where Zalkin is, her house is very close to being within that half mile.

Randy Wasson: I'm not sure if she's down-gradient though, that's the only thing. She's across the hill and slightly down hill, but I'm not sure...

Denise Birmingham: They you'd have to go back up.

Jacob Billig: The other thing that's going on here is that which we said in the record, anyone has the opportunity to test their own well. So if somebody a mile away has a concern, let them test their well. As far-fetched as, actually I would say it's impossible that there would be a plume there.

Dean Farrand: Absolutely, and the future it would be their own responsibility to test their own. I don't think we're asking Ironic to test to test.

TAPE UNCLEAR – ALL TALKING AT ONCE

Jacob Billig: If you remember a couple months ago, when I was arguing a little bit about not doing the testing, and then the light went on in the middle of the meeting realizing exactly that. That this is actually a baseline to protect my client because we're going to have that information and we're going to know.

Ray Kelly: What's already there.

Jacob Billig: Exactly. That's exactly right. So if there's something down the road, we'll be able to compare it to the baseline.

John Van Etten: So if we put a condition that if the well exists and it's not just a dug well or something, and it can be made operational and it will give a valid test.

Jacob Billig: At their expense, operational at their expense.

John Van Etten: Does that sound reasonable to everyone.

Jacob Billig: If for some reason Randy believes that it won't give any kind of valid information, we'll apprise you of same. Because again, we want to get this over with. We think we've done everything that the Board's requested. We want to move to final approval. We think this is the last step, so we're happy to engage in that.

Chairman Deutsch: Are you okay with that?

Denise Birmingham: Me? Yeah.

Chairman Deutsch: I'm asking everybody.

All Board Members: Yes.

Jacob Billig: That's all I needed. Thank you I appreciate the fact that you had a special meeting.

TAPE UNCLEAR - SEVERAL TALKING AT ONCE

Jacob Billig: It's just in the minutes that the Board talked this through, we don't need any votes or anything. Thank you so much.

**PUBLIC HEARING:**

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

Chairman Deutsch: Before we have the public hearing for Camp Yeshiva.

Randy Wasson: They were outside.

Chairman Deutsch: Well. Are you here for Camp Yeshiva?

Randy Wasson: Yes.

Chairman Deutsch: Is anyone coming? Okay. Well before we do the public hearing, we have to do SEQR. We didn't do it and now we have to do SEQR before we do our public hearings.

Randy Wasson: Do you do SEQR before you do 239?

Chairman Deutsch: We have to do SEQR before we do a public hearing. It's the new court decision.

Ray Kelly: Shouldn't we see the revised maps before we do SEQR?

Chairman Deutsch: We have to see the revised maps. You're right we should. Can we see the revised maps.

Ray Kelly: That way we know what we're talking about.

PAPER SHUFFLING

Dean Farrand: This is it here?

Randy Wasson: All we did was change it a bit, we just made it 50 feet instead of 40 feet. The 30 is the same as the last meeting.

Dean Farrand: So you just enlarged it?

Randy Wasson: Yes.

Chairman Deutsch: So you're taking out the shed.

Dean Farrand: The shed's gone away.

Chairman Deutsch: And you just enlarged it lengthwise. Cause before it came out here and you just extended.

Randy Wasson: Yes.

Ray Kelly: Are there going to be any exits out of that side of the building?

Randy Wasson: There will be.

Ray Kelly: Are they going to have decks or platforms or anything like that which will change the dimensions?

Randy Wasson: I don't believe so. I imagine they'll have, I'm going to guess and say they'll have a porch, I'm not sure. A small one just for the doors to come out because they've got to. Let me get this oriented. Here's the existing building, here's the little bump out right here. And we extended the building, this is when it was 40 feet, and we extended it 10 feet to the end of the bump out. They are showing just a covered porch right there I'm sure with just some steps.

Chairman Deutsch: So that would be now still at the end?

Randy Wasson: Yeah. I think.

Dean Farrand: Well that needs to be on the print.

Chairman Deutsch: What about the other end. Did I see something?

Randy Wasson: No, it just shows doors there.

Dean Farrand: There's nothing here right?

Randy Wasson: Nothing that I correlate at 20 foot.

Chairman Deutsch: And there's nothing on the...

Randy Wasson: This is the bump out. They're exiting on the end and on the end there. That's towards the 20 foot, that's towards the property line.

Dean Farrand: That's the back property line.

Chairman Deutsch: So there are no steps at this back, near the property line, just doors.

Randy Wasson: I'm saying no, Diane, that's what I have, that's all I have. That's their earlier generation. What they may want to do though, and I'm saying there's steps, I don't know that there are steps. I don't have any other plan but this. It's possible that now instead of adding a porch beyond what they're doing, it may totally encompass the addition, the additional space. You know what I'm saying. That drawing, this drawing includes the porch area.

Chairman Deutsch: Well the concern would be if they were planning to build towards the property line or not. Cause this way they're fine actually, I think.

Ray Kelly: Except until we approve this blueprint, Mark is not going to let him build an addition going past that blueprint.

Dean Farrand: Right.

Randy Wasson: Well we're here to try and move it forward, that's why you granted this special meeting.

Dean Farrand: Right. I mean that's what we want to do, it's just, we want to make sure that they understand that we're approving this footprint. That means nothing is built on outside the footprint. Right?

Randy Wasson: That's fine.

Chairman Deutsch: Exactly.

Ray Kelly: Let's do the SEQR

Chairman Deutsch: First, we did get the 239 back and it's been determined that there's no adverse inter-community impacts.

Chairman Deutsch: READS SEQR

**ON A MOTION MADE BY LYNN DOWE AND SECONDED BY DEAN FARRAND A NEGATIVE DECLARATION WAS DECLARED ON THIS PROJECT. ALL IN FAVOR. APPROVED.**

**PUBLIC HEARING:**

Eleven notices were sent, eight green cards were received, three outstanding.

Chairman Deutsch: It doesn't look like anyone is here from the public.

**MOTION WAS MADE BY RAY KELLY SECONDED BY DEAN FARRAND TO CLOSE THE PUBLIC HEARING. APPROVED.**

Ray Kelly: So we're approving the attached footprint.

John Van Etten: Yeah.

**ON A MOTION BY DEAN FARRAND SECONDED BY RAY KELLY THE SITE PLAN DATED APRIL 22, 2009 WITH REVISION NUMBER 5-6-09 WAS APPROVED. ALL IN FAVOR, APPROVED.**

**Poley Paving Office Project**  
Subdivision  
Twin Bridge Road  
SBL: 36.-1-155 & 36.-1-131.1  
Zone: IC

Steven Poley appeared for this project.

Steve Poley: The last time we met a couple weeks ago, we had a couple revisions to make. We've changed our map to a three lot subdivision. On the second page we have a table listing the test results and are labeled on the lots.

MUCH PAPER SHUFFLING AND IT SEEMS THE BOARD IS STUDYING THE MAP.

John Van Etten: Anything about the septic?

Dean Farrand: I know that commercial isn't the same as residential.

Steven Poley: I don't have that. TAPE UNCLEAR it's TOH 475.

Mark Van Etten: What that would be, I would have to pull the book and look.

Dean Farrand: So we don't know that.

Mark Van Etten: No, I do not.

Ray Kelly: They have to re-do the maps anyway.

Dean Farrand: Yes

Mark Van Etten: How many gallons per minute.

Steve Poley: 15.

John Van Etten: It seems low. It may only be fine for a commercial thing, cause nobody showering or anything like that.

Mark Van Etten: You're right in the ballpark.

Lynn Dowe: What about five gallon flushes?

Mark Van Etten: Which you don't have a facility where you have people there all day, either, you have a facility where you have transient. It's a transient facility here they're out on the field.

Ray Kelly: Who drew up the maps?

Steve Poley: Terry Kelly's office. Derek Kelly.

Ray Kelly: We need some measurements on the maps.

Denise Birmingham: He has to get a survey. Is there going to be a surveyor?

Steve Poley: George Fulton

Denise Birmingham: Okay.

Chairman Deutsch: Yeah cause there's no...

Denise Birmingham: it's not surveyed.

John Van Etten: Without a surveyor, you can't put things like 3.3 acres + or -.

Steve Poley: Okay.

John Van Etten: And not have any dimensions for us.

Chairman Deutsch: Yeah there are no dimensions at all. We need road frontage.

Lynn Dowe: When is George surveying it, do you know?

Steve Poley: To be honest with you, I wasn't going to do it until we had your approval and we could start with the surveying and clearing, but I didn't know the order it all goes in. You guys tell me the order and he's ready to go anytime. I've already talked to him.

Lynn Dowe: I think you'd better get him there.

Chairman Deutsch: This is just.

Ray Kelly: You might not own that much.

Chairman Deutsch: Yeah, until it's surveyed, you don't really know how big the lots are and you don't know what the road dimensions are, you don't know what the frontage is.

Steve Poley: As far as surveying what we propose or as far as surveying the whole lot.

Denise Birmingham: The whole thing.

Steve Poley: I have that done already, I just don't have the paperwork here tonight. I have the whole lot surveyed, yeah we closed on it.

Ray Kelly: With dimensions.

Denise Birmingham: You have the perimeter?

Steve Poley: I have the perimeter surveyed. I have all that done.

Chairman Deutsch: But you don't have this.

Steve Poley: I don't have the map with the lot lines broken up.

Denise Birmingham: No the surveyor has to do that. Another thing. Is the road right now on I think there's confusion about who gives, who can accept this as a Town road and it's not us. It's the Town Board. I don't want you to think that we can approve a road for you, that has to go to the Town Board and the Highway Superintendant has to be involved in it.

Steve Poley: I met with the Town already and the Highway Superintendent and they told me to go to you guys first and show what we were going to do and then come back to them.

Lynn Dowe: At the last meeting, you said you were going to meet with the Highway Superintendent and see about putting a hammerhead turn around.

Steve Poley: That was the first he'd heard of that and he wasn't of an opinion either way, we could go with a cul-de-sac or a hammerhead and he said they would probably prefer a cul-de-sac.

Chairman Deutsch: Was that because he didn't know what a hammerhead is?

Steve Poley: No, no I showed him. Actually, I was in Orange County and drove up a road by mistake with a hammerhead on it and had to pull in guy's driveway and turn around. His driveway was in the middle of the hammerhead and I ended up having to back down the driveway and it was really ineffective in a pickup truck. For a hammerhead, they want something that's 75 feet long and 30 feet on two faces, it's almost like making a cul-de-sac on our lot with a circle anyway.

Chairman Deutsch: I know the County.

Ray Kelly: It's not a County road.

Chairman Deutsch: No it's not.

Steve Poley: But Walter said that the Town Highway Super has the final say.

Denise Birmingham: And that's why I don't want you to think that we're going to give it to you. So my suggestion is that the surveyor will know to do this. George Fulton will know how to take the property line to the center of the road at this time for these lots and then except out for the road with the intent that when, that each parcel would allow the Town to take it if the Town is willing.

Chairman Deutsch: And that way we can know what we're approving. Specifics that we can look at and say, okay this is not anything that we can approve at this point. And as Denise said, it's the Town that will be giving you the approval for the road.

Denise Birmingham: They're going to be very happy that you built it, but they're going to have to maintain it, and plow it and things like that. And we don't know at this time if they want to do that.

Chairman Deutsch: When you met with them?

Steve Poley: Nobody said they wouldn't.

Dean Farrand: They're waiting for us to look at the site plan first. I wouldn't read that either way at this point.

Steve Poley: I just don't want to put something in that's not Town specs and go back later and they're not going to approve something that's not to Town specs. I would rather deal with the bonding and all that. TAPE UNCLEAR There's a low profile on there for the Town specs.

Denise Birmingham: I saw that yes. But it is 700 feet long and they have a budget every year and that's what the Highway Superintendent goes by.

Steve Poley: I agree with you to a point. But on the other hand, we spent probably eight months looking for a place to build in Liberty and there's nothing around here. There's nothing but old business with anything more an acre or two acres. There's no, either the zoning doesn't allow it, or the area doesn't allow the traffic on the roadway or it's not in the right neighborhood. That's why, we came with this idea.

Chairman Deutsch: So George can get on it right away?

Steve Poley: The map is a metes and bounds?

Chairman Deutsch: Survey with metes and bounds. He'll know what you need to come before the Board to get an approved subdivision. He's done it enough times. So have you got anything else. We can't really send it for a 239, it's not close enough.

Steve Poley: So I'll come back with the survey with the metes and bounds.

Chairman Deutsch: Yeah, if you can get it back to us before the next meeting. It's only two weeks.

Steve Poley: But the public hearing is next meeting.

Chairman Deutsch: It's already set up?

Steve Poley: Yes, the last time I was here it was talked about.

Chairman Deutsch: The notices have already gone out. And we'll have to have it in our packets. Public hearing will be scheduled for June 2<sup>nd</sup>.

**ON MOTION BY DEAN FARRAND SECONDED BY LYNN DOWE THE MEETING WAS ADJOURNED AT 8:15 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 19, 2009 are not to be construed as the final official minutes until so approved.  Approved as read