

**TOWN OF LIBERTY  
PLANNING BOARD MINUTES  
JUNE 3, 2008**

**MEMBERS PRESENT**

Diane S. Deutsch, Chairman  
Dean Farrand  
Lynn Dowe  
John Van Etten, alternate  
Peter Stettner, alternate

**ABSENT**

Jon Sutherland  
Ray Kelly

**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 7:02 PM.**

**ON MOTION MADE BY DEAN FARRAND AND SECONDED BY JOHN VAN ETTEN, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR MAY 6, 2008 WITH THE CORRECTION NOTED ON PAGE 2.**

**ON MOTION MADE BY DEAN FARRAND AND SECONDED BY JOHN VAN ETTEN, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR MAY 20, 2008.**

**Machne Share Hatora**  
Subdivision  
Ferndale Loomis Road  
SBL: 35.-2-18  
Zone: RD

The maps were brought before the Board for re-approval due to the fact that the original was never filed and copies could not be made because paperwork from the original engineer on the project could not be found. The maps were redrawn by Adler Engineering using the map in the Planning Board file that was originally approved. The maps and Mylar were reviewed by the Planning Board.

**ON A MOTION MADE BY DEAN FARRAND AND SECONDED BY JOHN VAN ETTEN, THE MAPS FOR THE SUBDIVISION WERE RE-APPROVED. ALL IN FAVOR. APPROVED.**

**Shelly Kleinberger**  
Subdivision  
Radcliff Road / TR #37  
SBL 48.-2-9.5  
Zone: RD

Board member, Lynn Dowe, recused himself from this project.

The maps were brought before the Board for re-approval and signing as the maps had not been brought to the Board in a timely manner for signature. Since the original approval occurred on February 5, 2008 the allowable 62 days had expired.

**ON A MOTION MADE BY JOHN VAN ETEN AND SECONDED BY PETER STETTNER THE MAPS FOR THE KLEINBERGER SUBDIVISION WERE RE-APPROVED. ALL IN FAVOR. APPROVED.**

**Menderis Road**  
Subdivision  
Menderis Road  
SBL 38-1-14 & 15  
Zone: AC

Glenn Smith brought maps for the Board to sign so they can file same. This Phase I was originally approved on February 5, 2008.

**ON A MOTION MADE BY DEAN FARRAND AND SECONDED BY LYNN DOWE THE MAPS FOR PHASE I OF THIS PROJECT WHICH ENCOMPASES LOTS 1, 3 AND 18. WERE RE-APPROVED. ALL IN FAVOR. APPROVED.**

**Steven Boniface**  
**Pine Bush Equipment**  
Special Use Permit  
NYS Route 52  
SBL: 30.-1-100  
Zone: SC

No one appeared for this project.

**Camp Bais Yaakov**  
Special Use Permit  
Stanton Corners Road  
SBL: 46.-1-57  
Zone: RD

No one appeared for this project.

**Cranesville Block Co.**  
Special Use Permit  
1794 State Route 52  
SBL: 30.-1-27.4  
Zone: RD

No one appeared for this project.

**RNR Housing Inc**  
Special Use Permit  
Kelly Bridge Road  
SBL: 40.-1-1.1  
Zone: RD

Glenn Smith appeared for this project. He explained that he came to update the Board as to where this project stands since they have not appeared since December 6, 2005. They have received their SPDES Permit, Stream Disturbance Permit, NYSDEC SWPPP approval and Sewage treatment plan plans approval from NYSDEC. A Water Supply Permit was not required for mobile home parks by the NYSDEC and the application was withdrawn. They are still waiting for approval on their Application for Approval of Plans for Public Water Supply Improvements from the NYSDOH.

Attorney Garigliano asked if the units were to be rented or sold. Glenn Smith said they would be rented. Attorney Garigliano then reminded Glenn that there was a moratorium on sewage treatment plants in the Town. He also said that he, Ken Klein and Town Planner, Tom Shepstone were working on an agreement for such plants and should have some type of draft agreement meeting near the end of June. Glenn Smith asked about the financial security, would it be in perpetuity or for a limited time period. Attorney Garigliano said since it was undecided, there should be sufficient funds to cover repairs or replacement for the sewer package plant. Glenn was asked if his proposed plant would be above or below ground. Glenn said it would be above. Attorney Garigliano said Glenn would ultimately have to take the issue up with the Town Board not the Planning Board and reiterated the fact that he, Ken Klein and Tom Shepstone were to have a meeting to come up with model agreement for sewer package plants.

Chairman Deutsch asked if this project had the same configuration it had back in December of 2006. Glenn said yes it did, there was just a change in the location of the one well, which he pointed out to her on the map. Lynn Dowe asked if these units were going to be year round or just seasonal. Glenn said year round. Chairman Deutsch then asked about the garbage. Glen said that it would be picked up at each unit independently.

Dean Farrand asked about the results of the well tests. Glenn said that one well was producing 20 gallons per minute and the other two were producing 22 gallons per minute. Chairman Deutsch asked about parking per unit. Glenn said there was room for at least two cars parked end to end beside each unit, but could make them side to side if necessary.

Mark Van Etten said that there would need to be a common area pickup for garbage, six foot stockade fencing with dumpsters for large items.

There was then a short discussion about the NYSDEC not requiring a Water Supply Permit for mobile home parks and that the State requirement was 300 gallons per day per unit for mobile homes.

Chairman Deutsch asked about maintenance. Glenn said that maintenance, mowing and plowing would be provided to the units.

**LMS Properties NY LLC  
(Green Hills Estates)**

Area Variance  
County Route 15  
SBL 36.-1-59  
Zone: RS

Jay Zeiger, Randy Wasson and Eli Ravitz appeared for this project. Jay Zeiger explained that they now have 12 single and 14 duplexes on the right side and all duplexes now spread out on the left side consisting of 10 buildings, 2 units each with a total of 20 units. They need an amendment to the plan. They are going to the Town Board to request an extension of the sewer district. They have been to the ZBA and received an area variance. There was a short discussion and it was determined that this project should come back for a public hearing on July 1, 2008 and be sent for a 239 review once the maps are received by the Planning Board Secretary.

Dean Farrand asked that any future building be done to Code and that decks are part of the footprint of the building. Jay Zeiger said building would be done to Code. Attorney Garigliano asked that the buildings on the curves be blown up on the maps showing more detail.

Randy Wasson said he was dealing with the County on the entrance issue. LMS Properties wants to have two entrances not one large one. He will cc the Board with a copy of the response to the County.

**Dwayne Labagh**

2 Lot Subdivision  
County Road 143  
SBL: 42.-1-15.1  
Zone: AC

Mike Woods and Dwayne Labagh appeared for this project. They explained the lot layout and the driveway placement, it being more gradual and existing. Any other way could be done only at great cost as it's "very" steep. More discussion was held and it was decided that it looked good and would need to have a public hearing scheduled for July 1, 2008 and be sent for 239 review. Mr. Labagh was asked if he had brought in a septic plan in to the Code Enforcement Officer for review. He said, no, he had not. He was then asked if he was going to be building soon. He said probably not until the Fall of 2009. Mention was also made that the well for Mr. Labagh's use was on lot 2.

**52 Liberty Inc.**  
Special Use Permit  
1885 Route 52  
SBL: 30.-1-76.1  
Zone: IC

Usher Jalus appeared for this project. Though this project was given conditional approved on April 1, 2008, with only the final condition of the driveway to be completed, Mr. Jalus explained to the Board that he wishes to change everything around now. He explained that now he only wanted to have an automotive store on one side in the front, Save Rite in the middle and a grocery store on the remaining side with warehouses for all in the back, with the entrance for the warehouses on the right side corner and the garbage/dumpster on the right rear corner. He also asked if the Board could approve it so that the Building Department would grant him a temporary C/O. He said he had enough parking where it was at present. Glenn Smith said that regulations say that for an area of 3,600 square feet 58 parking spaces are needed and that there are now 43 spaces and if Mr. Jalus puts parking on the side there would be 67 total.

It was explained to Mr. Jalus that there was no way the Board could approve what he brought to the meeting and that there would also be no "temporary" C/O's. More discussion was held to come up with a solution to the delivery truck and storage issues. Also discussed was the location of the dumpster for the building. It was agreed it should be left where it was located on the original approved plan.

This project has been recessed to Thursday, June 12<sup>th</sup> at 6:30 p.m. At which time Mr. Jalus is to bring a "complete" plan to the meeting, which has been reviewed by Glenn Smith.

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Dean Farrand asked if there was any way that the Board could find out what occurred in work sessions so that the members knew more about what was decided in the work sessions. A short discussion was held and it was to be discussed again at a future date.

Peter Stettner asked if there was some sort of identification that could be had by the Board members so that when they went out on the project sites they could identify themselves as Planning Board members. Apparently he was challenged "nastily" on one of the sites recently. Mark Van Etten said that the Water Department could probably make up some identification. Peter said he would check with them and see.

**ON A MOTION MADE BY LYNN DOWE AND SECONDED BY DEAN FARRAND,  
THE MEETING WAS RECESSED UNTIL THURSDAY, JUNE 12, 2008 AT 6:30 P.M.**

Approved: \_\_\_\_\_ N. Saucier, Secretary