

**TOWN OF LIBERTY  
PLANNING BOARD MINUTES  
June 7, 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 DIANE S DEUTSCH CALLED THE MEETING TO ORDER AT 7:00 PM.**

**PUBLIC HEARING:**

**HASC, INC.**

Special Use Permit

Old Route 17

SBL: 12.-2-1 & 12.-1-38.1

Zone: RD #2010-0028

Thirty-two notices sent, 16 green cards received, two returned and six outstanding.

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

Barbara Sochinski said she thought it was going better than she thought it would. She also said she can hardly see the building now.

Jimmy Green said that once the trees were done what would be done about recessed lighting. He was told it would be recessed lighting with no larger than a 60 watt bulb in front of each door aimed downward.

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

Gary Silver and Randy Wasson appeared for this project. After a short discussion it was determined that more screening would be needed, with not just fast growing white pine but deciduous red maple. When asked what the initial height of the white pines were, it was determined they were eight feet with the ability to grow to 30 to 40 feet. It was mentioned that several blueberry bushes were also transplanted into the area. Gary Silver stated that he, Randy Wasson and Mark Van Etten met with some of the neighbors on site and if there were any more issues he urged the public to contact him personally to short circuit any further problems. Lynn Dowe brought up the public's concern about loudspeakers. Gary Silver said there were to be no external speakers. Dean Farrand reiterated the fact that the lighting was to be downcast and not higher than a 60 watt bulb. It was also mentioned that the porch/decks would be closed in at the ends and the one on the south side of the building would have a

four foot wrap around to screen the area from the neighbors. John Van Etten brought up the issue of the deed restriction. It was noted that the deed restriction states there is to be no access by HASC to or from Highview Drive "ever".

**ON A MOTION MADE BY LYNN DOWE, SECONDED BY JOHN VAN ETTEN, APPROVAL OF THE SPECIAL USE PERMIT FOR HASC. INC. WAS GRANTED WITH THE FOLLOWING CONDITIONS AND THAT THEY BE MET "BEFORE" A CERTIFICATE OF OCCUPANCY ("C/O") BE ISSUED:**

1. ALL EXTERIOR LIGHTING WILL BE RECESSED, AIMED DOWNWARD WITH NO HIGHER THAN A 60 WATT BULB IN EACH.
2. THERE WILL BE NO EXTERNAL SPEAKERS.
3. THERE WILL BE ADEQUATE EMERGENCY ACCESS.
4. THE ENDS OF THE PORCHES WILL BE CLOSED OFF FOR SCREENING WITH A FOUR FOOT WRAP AROUND ON THE SOUTH SIDE.
5. ALL TAX PARCELS OWNED BY HASC, INC. PLUS TAX PARCEL 12.-1-26.2 TO BE INCORPORATED INTO ONE TAX PARCEL. AND
6. TREES IN PLACE FOR SCREENING WITH THE ADDITION OF TWO MORE WHITE PINES AND ONE MORE RED MAPLE. ALL IN FAVOR. APPROVED.

**PUBLIC HEARING:**

**Camp Gila**  
Special Use Permit  
Route 55  
SBL: 36.-1-13  
Zone: RH/RD #2011-0004

Twenty-five notices sent, 18 green cards received, and seven outstanding.

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

NO RESPONSE FROM THE PUBLIC

Glenn Smith appeared for this project.

After a short discussion, it was determined that the location of the driveway and its extension would be used for construction now and become permanent and used also for emergencies. The Board said it made the most sense to have the driveway in that location. The Board members compared the previously approved map with the current submission to check the building's relocation. No issues were found. Chairman Deutsch asked about the SEQR. Attorney Garigliano said that it was not necessary because it was a type II action.

**ON A MOTION MADE BY JOHN VAN ETTEN, SECONDED BY DEAN FARRAND, APPROVAL OF THE SPECIAL USE PERMIT FOR CAMP GILA WAS GRANTED. ALL IN FAVOR. APPROVED.**

**Mazel Tov Properties LLC**  
Special Use Permit  
548 Cooley Road  
SBL: 2.-1-13.1  
Zone: RD #2011-0010

Chairman Deutsch: Moving right along, Mazel Tov Properties. This is new business.

Gary Silver: Thank you for considering this under very short notice. You should all have a copy of the letter from the Camp Meor Yitzchok. I would have preferred a more detailed letter, but I guess because Shavout coming up and everything they're preparing for it is what we get at this point in time. I know Mark has been at this property. I met with him and my client when my client was considering what to do. Mark I can tell you as of my conversation today with Mendel, those two buildings in the back which is one of the big issues, he told me he does not believe they are going to use them. So their present intent is not to so I know that will make everyone's life a lot easier. He does understand that based upon our conversations before that if there is any desire to use them that has to be certified work, the whole thing, so he is aware of that.

Chairman Deutsch: You're talking about buildings "C" and "D"?

Gary Silver: Those two in the back, yes.

Attorney Garigliano: The 60 x 60 modulars?

Gary Silver: Yes, we were out there. It appears that those were not even originally residential modular units; they were office modular units, which means they cannot be used for overnight occupancy. And originally my client was thinking maybe they'd use it for that thinking that he could perhaps use it for classrooms, but Marks research indicated that because of the nature of the units, you might have to be a certified HUD contractor to be able to do the work and it's not the simplest thing in the world to do. My client understands that, so if you do schedule a public hearing between now and then, and he changes his mind and decides to use that, he does understand that there's a tremendous burden of what he would have to do to get that occupiable.

Chairman Deutsch: Then what assurances would we have that they're not in fact using them?

Gary Silver: The assurance you'd have is that it wouldn't be approved on the site plan for use and if you'd need, whatever you'd need to secure. I mean my client would have to comply.

Attorney Garigliano: They're allowed to be used for storage, Mark, right?

Mark Van Etten: There are not certificates of occupancy for the buildings.

Attorney Garigliano: Then what we could do to solve it is if you get them resolved; get them whatever they need, have them give you whatever they need for you to approve them for non-residential storage use only, and then Mark will have the ability to enforce it as opposed to here where it's impractical.

Mark Van Etten: One building was illegally converted to what appears to be a residence. That needs to be ripped out.

Attorney Garigliano: Yeah, well it can be taken back out.

Mark Van Etten: Absolutely.

Chairman Deutsch: Which building was that?

Attorney Garigliano: The one on the left.

Gary Silver: The one on the right.

Mark Van Etten: If you're facing it.

Chairman Deutsch: "C"?

Gary Silver: What do you need taken out of there?

Mark Van Etten: All the residential occupancy. The mousetrap of hallways and doors.

Chairman Deutsch: You're talking about this back building "C"?

Mark Van Etten: "C", yes.

Attorney Garigliano: This is the one that's "C".

Mark Van Etten: Heating units, all kinds of stuff.

Attorney Garigliano: The easterly unit, so we're not using right and left.

Gary Silver: One is "D", one is "C".

Chairman Deutsch: Yeah, let's say "C", "D".

Gary Silver: UNCLEAR decide to remove, now is that to be able to be used for storage or is that for any purpose? I mean if they were not going to use it at all would they still have to do this.

Attorney Garigliano: They still have to get C/O's, they just put them up.

Mark Van Etten: They're not to be used for anything.

Chairman Deutsch: Even for storage.

Mark Van Etten: Those buildings were put in and they applied and never ...

Attorney Garigliano: They applied for building permits if I understand correctly, right?

Mark Van Etten: Yes.

Attorney Garigliano: And then never did that process.

Gary Silver: That's prior owner.

Attorney Garigliano: They need to end that process with Mark and that's where we will be able to enforce non-residential use because he'll issue a C/O for storage or for office use or something else. And that will be the way to get it solved.

Gary Silver: I will explain to him that he has to do that. He has to go inside and take out all the hallways and everything else so it's basically an open cavern, it that what you're looking for?

Mark Van Etten: Yes, and all of the windows and all of the modifications that they did to the exterior structure.

Nancy: And that's for building "D" and "C".

Gary Silver: That's "C" and "D", yes I understand that.

Chairman Deutsch: So they're talking about use for 70 to 80 people.

Gary Silver: Correct. Comprised of boys and staff members, correct.

Attorney Garigliano: What do we know about the septic system, Mark?

Mark Van Etten: Little to nothing.

Attorney Garigliano: Do you have plans in your office?

Gary Silver: Even for the hotel building?

Mark Van Etten: All we have is pre-existing conditions on the old hotel. The red building that's next to the hotel building is unsafe. We have unsafe documents, violations on that. And I think that's as far as it goes. The old barn is about two steps away from the red building.

Attorney Garigliano: Could you just, so that we could understand.

Gary Silver: Point out the buildings?

Attorney Garigliano: It says staff house, right?

Gary Silver: Yes. That one says the staff house is to be demolished. See the note?

Chairman Deutsch: Yes, it's going to be demolished.

Gary Silver: It's cross-hatched.

Chairman Deutsch: And the condition of the others, generally? The other buildings.

Attorney Garigliano: This is in good shape.

Gary Silver: What are you pointing to Walter?

John Van Etten: The barn?

Gary Silver: Oh no, the barn is not in good shape.

Mark Van Etten: No, not the barn. As I said that was two steps behind these. Falling down, it's leaning very badly.

Chairman Deutsch: That's not being taken down? The barn?

Gary Silver: I'm not sure at this point what he intends to do with that.

Attorney Garigliano: Nice big slab under it.

John Van Etten: It says storage here.

Attorney Garigliano: Do we have any information?

Mark Van Etten: I'll have to go back and research and see what I have on septic on everything.

Attorney Garigliano: What about water?

Mark Van Etten: Water. They do have wells. They have had permits with the Department of Health in the past. Just when it was occupied last probably three summers ago as a hotel. So they did comply to a certain extent.

Gary Silver: Let's go back to the septic. There is a septic shown on the plan for the hotel.

Chairman Deutsch: Yeah, a 2,000 gallon tank which isn't...

Attorney Garigliano: Well and it shows a 7,700 gallon tank.

Attorney Garigliano: Where's that?

SEVERAL MEMBERS TALKING AT ONCE POINTING OUT WHERE 7,700 GALLON TANK IS

Gary Silver: ...to septic tank, 7,700 gallon dosing tank.

Mark Van Etten: These were originally supposed to be for classrooms and bathrooms. That's what they were for. I think there's something for bathrooms up here that was never put in. (pointing at plan)

Chairman Deutsch: There's a well up there.

Mark Van Etten: But there's nothing certified.

Chairman Deutsch: A springhouse, two springhouses and a pump house. Is there another well? I only see the one up by "C" and "D".

Attorney Garigliano: No there's a couple of springhouses on the property. I think it's mostly by springs.

Mark Van Etten: They have a whole mess of chlorination and stuff in the basement of the main building that they were required to put in by the Department of Health. Again, I don't regulate that so I really don't pay 100% attention to that regulation or equipment, or get involved in writing the ticket for occupancy the DOH does, I just do fire and safety.

Attorney Garigliano: What are you trying to ask us to do Gary?

Gary Silver: Tonight I'm asking to schedule a public hearing for the 21<sup>st</sup>.

Attorney Garigliano: June 21<sup>st</sup>?

Gary Silver: Yes.

Attorney Garigliano: I would think, you know, looking at this and I went out there, I don't know who else went out there. I think it, in the past there have been instances, rare instances, where we've issued

a special use permit with a sunset at the end of the year so that the people would come back. Because maybe the barn's okay for this year, but it isn't going to be okay for very long and on such short notice it doesn't give us a great deal of time for Mark to get out there, although he probably can and has.

Mark Van Etten: I've been out there. There have been some great conversations regarding what the owners wanting to do something with this property. The Department of Health and I have been out there together probably maybe three or four times in the last couple years. I've been there quite a bit. There are structural issues in the main building as well. You've got a foundation issue on one hallway. There are some issues that need to be looked at within the main building as well. Are they going to fall overnight, I don't know that would be something the engineer that looks at everything should be doing as well.

Gary Silver: I will get an engineer.

Chairman Deutsch: Are there any violations?

Mark Van Etten: The ones I mentioned. The red house, the open permits for the two back buildings that were never fully built, the 60 x 60's.

Dean Farrand: There's at least three.

Mark Van Etten: Yeah.

Chairman Deutsch: Well, what's the feeling?

Dean Farrand: We have two weeks to go out and look at it.

Chairman Deutsch: Is there any other information that you feel we need to get from Gary?

Gary Silver: If you could schedule a public hearing, I can assure a representative from the Camp who is fully knowledgeable of exactly what they want to do and how they want to do it will be here. We'll have somebody from the engineer's office and my client will be able to attend also. And if there's any questions in the interim anybody has, please feel to contact me I'll be happy to answer them even before then to help the process.

Ray Kelly: You'll be going through the Board of Health for children's camp and all that?

Gary Silver: I have been assured that they have applied for it already. I have been speaking to them about that from day one and my client is fully aware that even if this Board approved this with their eyes closed tonight without looking at anything, they still couldn't do anything without the Board of Health permit and vice versa. If we got that we couldn't do anything either. And I have been assured that they have applied. I have not been involved in that process.

Ray Kelly: They're state inspectors?

Gary Silver: They should be.

Lynn Dowe: I don't know anything about this and I have not seen it, but I remember when I was a kid the old spring houses at the camps and bungalows were so dangerous. There were no locks on the door and going in in the dark and there's just this big pit you could fall in. Just make sure that this is not the same thing. As I picture.

Gary Silver: I have no idea, but I'll make a note "must have locks". I guess we shouldn't be asking what you were doing going into there.

LAUGHTER

SEVERAL TALKING AT ONCE

John Van Etten: It will need a 239 review.

Chairman Deutsch: Yes it does.

Attorney Garigliano: The things that I think we're going to need is some kind of indication of how they plan to solve the issues involving modular building "D", the westerly one, which is probably less complicated than modular building "C", which is the one they've worked on and done a bunch of work on. We're going to need to have some kind of an assurance that the house is going to go down. And we're going to have to have some kind of engineering report on the hallway, where the structural issue is, Mark, correct?

Mark Van Etten: Yes.

Chairman Deutsch: And that's in the hotel.

Attorney Garigliano: That's in the main building.

Gary Silver: Main building. What?

Mark Van Etten: Remember when we walked past it and I kicked, I showed you...

Gary Silver: Oh that's the one you said, by going by the Mikvah?

Mark Van Etten: No, going off into the, going up into the cafeteria, the kitchen area, down that hallway there. Back hall.

Gary Silver: Okay. Well what I'm also going to do is I'm going to contact the engineer's office and discuss this with him and tell him to please contact you so he can be much more specific about what precisely you need done with all these things. Opposed to me giving him a generic thing and me proposing something that may not satisfy you. I'd rather run it by you immediately.

Attorney Garigliano: Again, I'd say the nature of the request is that, you know, I would urge the Board to think about an approval with a sunset if they're considering it at all so that if anything goes on out there, because if we had six months instead of 14 days, there'd be a dozen things we could tell them to clean up.

Gary Silver: I don't think that's unreasonable at all, I completely understand.

Mark Van Etten: I would also agree with Walter on that. UNCLEAR/TOO SOFT a time frame, when they need to get it done by. How long the certification is going to allow it to stand, depending on the urgency. And who looks at it.

Gary Silver: I will make sure he understands that as well.

Ray Kelly: Are they going to start any of this work?

Gary Silver: I have advised him that any work that he can do at this juncture prior to a special use permit he should and that's what I'm going to urge him. Unfortunately I'm not allowed after, 8:00, now I couldn't reach him, until Friday I can't speak to him. I'm out of the office on Friday. I'll probably call him on the way up. I'm going up to Boston this weekend.

Ray Kelly: Well, just if they're planning on demolishing some of these buildings and you're not coming back until the 21<sup>st</sup> and they want to open the first week of July.

Gary Silver: Yeah. Is there, I have no idea what his plans are. As far, for example, as demolishing the staff house or something. Is that something that could be roped off during the summer and taken down in the fall. I don't know if that's something you folks would consider or not. I don't know what his timing or resources are for him to do some of this work.

Mark Van Etten: No, that red building needs to come down. It needs to come down right away.

Chairman Deutsch: Especially with kids running around.

Mark Van Etten: And if you want to use that barn, that would be the next one to come down right away.

Attorney Garigliano: Unless the engineer wants to say that it's...

Mark Van Etten: That's what my comment was before.

Attorney Garigliano: I understand. I'm just trying to clarify

Chairman Deutsch: Clarify.

Attorney Garigliano: If somebody else wants to take the responsibility and say it's fine, that's great if they want to do that.

Gary Silver: I appreciate that.

Attorney Garigliano: It was real dark when I was there. It looked pretty crooked or my car was on (tilts his hand).

Gary Silver: Are you talking the barn or the red building. The barn, yeah. The barn's tilted, but I don't know if it means if it's in danger of collapse, but it was definitely rhombus like.

Attorney Garigliano: Let somebody look at it.

Mark Van Etten: We have a history there of garbage and debris from old owners obviously. But they don't have a garbage facility for garbage disposal.

Attorney Garigliano: You mean put in a pad and a dumpster, is that what you're saying?

Mark Van Etten: A packer would be better. Hopefully not right up on the corner where the animals get in it and tear it apart all the time.

Chairman Deutsch: Where would you like to see it?

Mark Van Etten: It should be somewhere down back by the kitchen where it's controlled. But that depends upon where the wells are too. The distance. There's a Department of Health distance between dumpsters and well lines. You'll need to check on that.

Chairman Deutsch: Anything else. Anybody? Are you good to put this on for the 21<sup>st</sup>, in two weeks?

Nancy: Yes.

Gary Silver: Thank you so much. I know my client is very thankful that you're even considering this.

Chairman Deutsch: So hopefully they will have absolutely everything that we need that night.

Gary Silver: They better.

Chairman Deutsch: They better.

Gary Silver: Without breaching attorney/client confidentiality, I can assure you that has been the topic of conversation.

**Brittenham Summers/Camp Hedvah**

Lot Improvement

Muhlig Road

SBL: 14.-1-18 & 19.2

Zone: SC #2011-0008

Carolyn Summers appeared for this project. She wants to swap 3.5 acres with Camp Hedvah. After the Board's reading the submitted map, it was determined that the location map and the survey map did not match. They considered the possibility of crossing it out with a note. After a short discussion it was determined that Ms. Summers would need to have two sets of transfer documents deeding her 3.5 acres to Camp Hedvah and Camp Hedvah deeding their 3.5 acres to her. She would also need a written description of the properties and would have to file those with the County as well as a lot improvement map once she had one that was correct.

**Jerald and Mary Sue Green**

2 Lot Subdivision

NYS Rte 52 & Mineral Springs Road

SBL: 32.-2-32.1

Zone: SC #2011-0009

Michael Woods, Troy Green and Michael Green appeared for this project. Michael Woods explained the 2 lot subdivision. Troy Green explained that he was at the meeting to see if it was a possibility to put up a mini-storage building 20 X 100, with the possibility of another of the same size a year or so down the road. After a short discussion wherein the Board found that the parcel is located in the SC zone, it was determined that under a special use permit the applicant could put up mini-storage buildings and that perhaps he would like to include two in his application even if he only builds one for the time being. The applicant will be contacting an engineer to do a site plan for a special use application. Both the special use permit and the 2 lot subdivision will run concurrently so that they can be tracked together as far as any public hearings or other issues that might come up.

**Sullivan Alliance for Sustainable Development**  
Information only

Dick Reisling appeared for the Sullivan Alliance for Sustainable Development and gave a short talk about the wind study they were doing and the possibility of putting up wind towers.

**ON A MOTION BY JOHN VAN ETEN AND SECONDED BY RAY KELLY, THE MEETING WAS ADJOURNED AT 8:35 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 June 7, 2011 are not to be construed as the final official minutes until so approved.

  X   Approved as read