

**TOWN OF LIBERTY
PLANNING BOARD MINUTES
July 5, 2011**

MEMBERS PRESENT

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

ABSENT

Walter F. Garigliano, Town Attorney

ALSO PRESENT

Mark Van Etten, Building CEO
See attached sign in sheet

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

CHAIRMAN DEUTSCH TOLD THE BOARD MEMBERS THAT SHE RECEIVED AN E-MAIL FROM THE APPLICANT MR. TEVEL, ON MAZEL TOV PROPERTIES WHEREIN HE EXPRESSED HIS THANKS TO THE BOARD FOR THEIR ASSISTANCE BUT THAT THEY WOULD NOT BE PURSUING THE PROJECT DUE TO FINANCIAL CONSIDERATIONS. SECRETARY NANCY ALSO RECEIVED AN E-MAIL FROM THE APPLICANT'S ATTORNEY, GARY SILVER, WHICH SHE PASSED TO ALL MEMBERS WITH THE SAME MESSAGE.

ON MOTION MADE BY JOHN VAN ETTEN AND SECONDED BY DEAN FARRAND, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR MAY 17, 2011.

ON MOTION MADE BY JOHN VAN ETTEN AND SECONDED BY DEAN FARRAND, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR JUNE 7, 2011 WITH THE CORRECTION ON PAGE 2 STATING THAT THE CONDITIONS MUST BE MET BEFORE A C/O IS ISSUED.

ON MOTION MADE BY JOHN VAN ETTEN AND SECONDED BY DEAN FARRAND, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR JUNE 21, 2011 WITH THE CORRECTIONS ON PAGE 7 OF THE HEAR TO HERE; PAGE 10 OF "WE ALL" TO "WE'RE ALL"; AND PAGE 11 WITH REGARD TO THE DOWNED TREE.

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

Ron Cobb of Hawk Engineering Paul Savad appeared for this project. Discussion was held with regard to the numerous errors, some of which were Orange and Rockland instead of NYSEG, Liberty Police Dept. instead of Sullivan County Sheriff's Dept., the fact that there will be 30

homes not 33 and things of that nature. Also missing were the yearly expenses of filling potholes, maintenance of roads, and other costs. Members pointed out the need for spelled out wetland restrictions and the need to check with the DEC when someone purchases a lot. John Van Etten brought up the issue of having only one home per lot. Chairman Deutsch asked about who was going to pay for maintenance, etc if there were only 3 homes sold. Paul Savad said the developer would be responsible. It was then brought to his attention that it did not say that in the HOA. The dissolution should also be addressed more thoroughly in case that need arises. Chairman Deutsch pointed out the fact that according to the chart on the map, 26 acres were missing, which happened to be the amount of acreage that made up the common ground. Also discussed were the errors in the HOA of the mention of condos and/or co-ops and the fact that the association would be responsible for the upkeep and replacement of roofing and siding – Paul Savad assured the Board that that is not the case. Paul Savad asked if there was any way they could go on to The Town Board to get that underway. Dean Farrand said he didn't see why they couldn't. Peter Stettner said he thought that they were being very cavalier with the Planning Board. It was determined that they could go on to the Town Board and that they would e-mail the revised HOA to Nancy and mail a few hard copies also for distribution to the Board members before their next appearance.

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. After a short discussion it was determined that this project should be sent for 239 review and scheduled for a public hearing at the August 2nd meeting. Chairman Deutsch did the SEQR.

ON A MOTION BY LYNN DOWE, SECONDED BY DEAN FARRAND A NEGATIVE DECLARATION WAS DECLARED. ALL IN FAVOR. APPROVED.

Jerald and Mary Sue Green
Special Use Permit
NYS Rte 52 & Mineral Springs Road
SBL: 32.-2-32.1
Zone: AC #2011-0011

Troy Green and Michael Green appeared for this project. Lynn Dowe asked about the lighting and security of the storage facilities. It was determined that there needed to be a cut sheet showing the lighting they would be installing. Chairman Deutsch said it would need to be down-facing to prevent light pollution. Lynn Dowe asked if each renter would have his own card or key for the units and would there be a fence around the perimeter that would be locked. Troy said there would be no fence at the current time but if a need arose, he would put one in and that each renter would have his own padlock for the units. Dean Farrand asked if they planned for any expansion as they would be allowed up to 5,000 sq. ft. Troy said he believed the two buildings contained almost 4,000 sq. ft. so they would probably not do more.

Mark Van Etten asked about outside storage. The Greens said no, they did not plan on doing any outside storage, just inside as it would be neater. Mark Van Etten stated that would be no RV's or campers. Chairman Deutsch asked if they would be heated. The Greens said no, the units would not be heated. It was determined that this project should be sent for 239 review and scheduled for a public hearing at the August 2nd meeting. Chairman Deutsch did the SEQR.

It is to be noted that the Board is relying on survey maps that are based on the FEMA flood plain maps that the Board believes are not exactly correct, as was pointed out where the elevation changes like 8 feet and crosses contour lines. The Board is relying on that data even though it looks like there are discrepancies on that map also, due to the fact that the flood plain lines appear to cross contour lines and there may be some error on that.

ON A MOTION BY JOHN VAN ETEN, SECONDED BY DEAN FARRAND A NEGATIVE DECLARATION WAS DECLARED. ALL IN FAVOR. APPROVED.

ON A MOTION BY DEAN FARRAND AND 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 July 5, 2011 are not to be construed as the final official minutes until so approved. _____ Approved as read