

**TOWN OF LIBERTY
PLANNING BOARD MINUTES
July 24, 2012**

MEMBERS PRESENT

Lynn Dowe, Chairman
John Van Etten
Denise Birmingham
Vincent McPhillips
Peter Stettner, Alternate
Lydia Rolle, Alternate

ABSENT

Ray Kelly

ALSO PRESENT

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

CHAIRMAN LYNN DOWE CALLED THE MEETING TO ORDER AT 7:05 PM.

ON MOTION MADE BY JOHN VAN ETTEN AND SECONDED BY RAY KELLY, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR JULY 10, 2012 WITH THREE CORRECTIONS. ALL IN FAVOR, APPROVED.

PUBLIC HEARING:

Hudson Valley Foie Gras
Special Use Permit
Brooks Road
SBL: 46.-1-32.1
Zone: IC #2012-0017

Eight hearing notices were sent, 5 green cards received, 3 outstanding.

Chairman Dowe asked if there was anyone from the public who had any questions or comments.

Alan Royle spoke about how he has a constant odor outside at his home on Lt. Brender Hwy. He said he cannot have his windows open, and hasn't barbequed in over five years because of the odor. He said it dictates whether he can go outside and considers it as a health issue. Board member Vincent McPhillips asked Mr. Royle how far away he was from the HVFG property. Mr. Royle said one mile and that the odor has gotten worse and worse, some days he can't go outside. Mr. Royle then left the meeting.

Chairman Dowe asked if there was anyone else that had a comment from the public.

There was no response from the public.

ON A MOTION MADE BY JOHN VAN ETTEN, SECONDED BY VINCENT McPHILLIPS, THE PUBLIC HEARING WAS CLOSED. ALL IN FAVOR. APPROVED.

Marcus Henley and Dale R. Vollmer, P.E. appeared for this project supplying stamped plans for review. After a review it was determined that there were minor changes done to the Board's request along with a lighting schematic.

Lynn Dowe said the public comments should be addressed. Marcus Henley said that due to the New York State Concentrated Animal Waste Management protocol, they are not allowed to store manure outside. They have a 1.2 million gallon lagoon which is treated waste water, aerated and has no significant odor. He mentioned that Green Tree Acres has a prevailing North/West wind and that Lt. Brender Hwy is West. Mr. Henley said they are sensitive to any issues and in contact with the Towns. That even though he has a great relationship with Green Tree Acres, Green Tree Acres is in the prevailing winds. He continued to say that he monitors the air flow and wind conditions and will be checking the Lt. Brender Hwy. He said that if any of his neighbors has any issues to let him know. He also said there was another duck farm between him and Lt. Brender Hwy.

John Van Etten said he thought it might be better to spread manure before it rains. Mr. Henley said the DEC doesn't want spreading before rains mainly because of runoff. He also said he no longer spreads at the Brooks Road site.

It was determined that this site concentrated on animal feeding and that no new animals would be coming from outside facilities.

Peter Stettner said he cannot see the geography which would cause odors. He had lived in that area for approximately two years and never smelled an odor. Vincent McPhillips said he knows people that live in that area and they've never mentioned an odor.

It was determined that the file was complete.

ON A MOTION BY JOHN VAN ETTEN, SECONDED BY DENISE BIRMINGHAM THE APPLICATION FOR SPECIAL USE PERMIT WAS APPROVED. ALL IN FAVOR. APPROVED.

Yeshiva Letzirim Inc.
Special Use Permit
85 Ferndale Loomis Road
SBL: 35.-2-18.1 & 18.2
Zone: RD #2011-0014

Bill Sattler appeared for this project. Attorney Garigliano said he'd hoped and thought that most if not all the Board members had been to the site. He said that this afternoon it was better that it appeared on the past Friday.

Lynn Dowe: I was hoping that everyone on the Board had a chance to go out and see this.

John Van Etten: I followed your footprints around on Friday.

Lynn Dowe: Yes, I was out there a couple times.

Attorney Garigliano: We've made our sixth and seventh visit, Friday and today.

Bill Sattler: these are some, Walter's suggestion this morning, a little larger scale, but basically it's the same thing that you have in front of you. And then a few other errors and omissions were complete. I didn't have time to make only six, hopefully you can share.

PAPER RATTLING AND MUMBLING

Lynn Dowe: Bill did you see the letter from the Health Department?

Bill Sattler: No, I haven't seen it.

Lynn Dowe: Just read it real quick.

PAPER RATTLING

Bill Sattler: Yes, this is pretty much echoes the phone conversation my intern Chris had with Coulter.

Attorney Garigliano: Andy Coulter.

Bill Sattler: Yeah, just Glenn, very thorough, went out to see for himself and officially put it in writing. The water quality when chlorinated has always been acceptable, but the maintenance and the logging of the chlorination has been omitted or erroneous or not filed, so they're skeptical because of the lack of effort on the camp's part to produce the forms, so I'll have time to go over that with Glenn. But basically he feels that they don't understand the importance of chlorinating the water and guaranteeing quality water to the campers and that maintenance, just like anything else, is a big part of providing that quality. Whether it's water or your car, you do maintenance, you keep records and the Health Department wants it documented and that hasn't been adequately provided. So it's something that's broken that needs fixing. Whether it can be fixed, I guess we'll need to find out. But they didn't seem too upset with the idea, the concept though they didn't feel that perhaps the applicant isn't prepared to take on that responsibility of maintaining the chlorination. So whether that means we have to, I mean we're talking three months out of the year, not 12 months, so that means for three times a year we come out and send it in ourselves and go over everything and make sure it's filled out properly

and that it gets done, that might be an option. Maybe due to just a lack of training, maybe they just need to be trained better. I don't know. We'll see how they feel.

Lynn Dowe: Okay.

Attorney Garigliano: There's a reason, you know, and I'm not saying this for Bill's benefit because we've had the conversation many times, there's a reason the Planning Board has a great preference for facilities like this camp to be hooked to a municipal water supply. Because, not keeping up with the paperwork and not taking care of the things that need to be taken care of, are not unique to this location and when we approved this application, it was with a 6 inch connection to a municipal water supply. And that was also done because that would have been adequate for fire flows to the 8 duplex buildings. What's now up there on the site for those of you who weren't there, is that connection has been completely lost from the planning process and now there's a new concrete pad and a 5,000 gallon storage tank that they're proposing to fill up with their well water with a booster pump to provide fire flows on site. And again, not unique to this application and it's always been our preference here, to hook up to municipal water not to hook up to something that Tom, Dick and Harry need to take care of. Because if it isn't taken care of and there's a fire event, it's a problem. Now I know that, I'm sure you'll hear from the applicant, I was there Friday, it was a disaster, I was there today it was monumentally improved although you might use the word disaster, but use a little "d" instead of a big "D". but monumentally improving wouldn't you agree?

Lynn Dowe: Yes, the elevations were a very big problem. On here the way everything is designed with three foot sidewalks, when we looked at it Friday, the elevations were terrible. There was no way they could support any sidewalk and they still cannot. It's sidewalk, stairs, sidewalk, stairs or steps.

Attorney Garigliano: And not insubstantial stairs. Significant stairs.

Bill Sattler: I thought it didn't print (looking at map) we added a note that steps are going to be used on any slope graded 12% on the sidewalk.

Attorney Garigliano: What's the requirement these non-residential buildings in terms of handicap access. These do not fall under the residential code.

Mark Van Etten: It would be by percent of the units if there's a percentage of the units on site that are handicapped.

Attorney Garigliano: What percentage is that?

Mark Van Etten: I didn't even look to see to be honest with you Walter.

Attorney Garigliano: Because there's some number of these that's going to have to be handicapped.

Bill Sattler: I think some of them will be without the....let's see, these two should definitely be. And that's two duplexes or four units out of a proposed eight buildings.

Attorney Garigliano: I'm talking about not only the sidewalk to get there, don't some of the units have to have.

Bill Sattler: like a handicap bathroom?

Attorney Garigliano: Of course, and 40 inch doorways and lots of other things.

Vincent McPhillips: I was there today with the electrical and my big concern is that water line even though its private primaries in the ditch, you have it pretty close to your primaries. And

they weren't 36 inches. I know they don't have to be when they run it in the conduit. And I talked to Derek but having a water line underneath the primary line was a concern to me. That water line goes bad, somebody's going to be digging into it and that's a dumb move whoever did that.

Bill Sattler: Well, we can deduct who did it.

Vincent McPhillips: I was there so I know what went on.

Attorney Garigliano: It doesn't matter who did it.

Vincent McPhillips: It just isn't right and if it was our ditch, being it's private, you can do whatever the heck you want, but if it was our ditch, it wouldn't be in our ditch. So I left it alone, but it isn't a smart move and it's already in. Nobody's going to make you dig it up to look at it, but it was a dumb move.

Attorney Garigliano: We have photographs of it.

Vincent McPhillips: I know, I'm not the inspector and it already passed the electrical inspector, so there's nothing we can do as far as the electrical, but it was a dumb move.

Bill Sattler: The conduit is what made the difference.

Vincent McPhillips: I understand that, but if the line goes bad, somebody's going to go digging in there and that conduit ain't going to save a good backhoe from busting in and getting somebody killed.

Bill Sattler: Correct. We also had the issue of fire sprinklers and last time I wasn't sure if we needed sprinklers but I did reach out to Dan Nichols. He's the chief fire inspector, would his term be, Mark? Fire director for NYS?

Mark Van Etten: He wears about 10 hats at this point and is looking for the eleventh.

Bill Sattler: And he also happens to be a P.E. and he said no doubt in his mind that due to the fact that these buildings don't meet the criteria of a residence, meaning they don't have a kitchen or things like that, that it absolutely would need fire suppression. So there was no way around it so tonight Mark got handed a stamped set of plans for fire sprinklers in all eight buildings.

Attorney Garigliano: In terms of those plans there's conflicting information on the plans. I have no doubt that you're going to be able to straighten it out but somebody needs to straighten it out. The large plan contemplates in the supply box, that the supply would be from a 5,000 gallon on site tank with booster pump shown right here in the water flow table. In the cut sheets which probably came earlier than this, it contemplates that it's hooked to a municipal water supply. So they've got to match. Mark has one with a stamp. The ones we have didn't have a stamp. But whoever stamped it needs to go back and reconcile that. I don't think you'll have any trouble getting it reconciled.

Bill Sattler: the two big factors in determining flow are size of your pipe and the pressure pushing the water, and he's only using 40/50, uh 40 psi to get 50 gallons per minute in the 4 inch line, so um, city pressure, municipal water pressure would be usually higher, 60 or better. So we could achieve 40 psi from a booster pump.

Attorney Garigliano: Our problem is that you're asking us to do something after the fact that we never do. If there's municipal water at the street, this Planning Board has always required people to hook up to the municipal water, because we don't want to take a chance that

somebody up there doesn't take care of their pump. I mean why should we have something that has to be actively managed and actively maintained. You know Lynn and I have talked to Abe, they do have an issue for this year. They suggested let them use it for this year; they won't building any more buildings until they've hooked into the municipal water supply. That may be a compromise you're interested in. I don't know whether you are or you aren't, but we approved a plan with a 6 inch pipe, now you're back here saying you'd like to put in a 5,000 gallon tank with a 4 inch line, but it's already in. It's already there!

Bill Sattler: This is all true, Walter. Abe and I talked a little bit about how do we make what's there now work. So one of the things we talked about was using the municipal water that's feeding the big building. But the weak link to that is that it's only a ¾ inch line. But we could boost that line up and replace that short piece of line and then still use the 2 inch poly line to a 5,000 gallon tank and all that would still go with a booster pump and be municipal water.

Attorney Garigliano: It still won't give you, it's not what we try to achieve. We try to achieve that when you walk backwards, from the sprinkler head to the pipe, you end up in a municipal pipe, not in a booster pump. Is the booster pump going to work if the electric's out?

Bill Sattler: Due to the sprinklers, it has to have batteries or generator back up. So, yes it would work.

Mark Van Etten: The concern that I have about the sprinklers at this point is, I see a couple deficiencies that I'll have to read through and make sure it's just me that's looking at a deficiency on the plan or the sprinkler areas. The real thing that we have been looking at going forward is municipal or not, there has been changes within the main building that has not been addressed. I have not had a chance to address it yet, but I plan on it very soon, is the shul got larger. There was some rooms taken out and it got larger. Therefore that triggered that for an A occupancy to be sprinklered and when they first set the building up and Abe was not aware of this because it was prior to his ownership, it was set up in a way where there were classrooms so that at the time it didn't at the time, it didn't trigger the sprinkler alarm.

Bill Sattler: It stayed under the occupancy ceiling.

Mark Van Etten: Now with the main building being deficient, if you might use that term, for sprinklers, then municipal water is a no brainer, it's a choice. It's the choice that I would recommend so that they have the pressure and they also have the ability to have the other water hydrant where they can pull water off those sides to be able to help out with the main building in the deficiencies of the sprinklers that is not in there at this time. And if that was taken care of and put back online the way it should be, depending on the fire chief, I have not had the opportunity to have a conversation with him, but as we spoke before, the fire sprinklers are only good for outside fires, I'm sorry, inside fires, not outside, so therefore, you have a huge pile of cardboard on the site which is down by the dumpster area. Which that should be addressed and have a packer and have something put on as well and actually should not be that pile of rubbish laying there because that's a fire waiting to happen, quite honestly. So there's, um in a round, in a nice way I would recommend that you do go to municipal water for it's own well being.

Bill Sattler: So I didn't speak to the Fire Chief because I didn't know who he is, but either Abe or Rob Werlau or both had some conversation with him and basically he referred it back to Mark.

The reason we put the sprinkler, I mean the fire hydrant at the end of the buildings in the beginning was because we thought that would probably be a good thing to do because we weren't going to do the fire sprinklers, so that's how the hydrant got there in the first place. We do have the pool, we do have 5,000 gallons of water, we do have smoke detectors, CO detectors, sprinkler system, about as perfect a fire wall you could want between the units. We have our fire separations so the applicant took every precaution that you could take.

Attorney Garigliano: We'll deal with the issue very simply on the hydrant. We'll give the plan back to the fire department and they'll either say they want one or they won't. If they agree, that they don't need one because of all the things that you mentioned, the plan that we got with it on there, that's what the fire department saw if they think they're okay without it, then the Board will act based on that recommendation. We're not going to say it's okay or not okay based on you talking to Abe, Abe talking to Rob and Rob talking to the fire chief. We'll get it to him.

Bill Sattler: Okay, so um the practicality of the whole thing is if a hydrant is deemed necessary for approval, then that pretty much assures that they'll need municipal water.

Attorney Garigliano: They're going to need it anyway. If you had come here and asked, Bill, if we can we do this kind of a 5,000 gallon tank with a booster pump we would have said no. I don't think the answer here should be any different. The question which Abe asked, which is I think a fair question is, you know he's got himself in this predicament he's doing this on a charitable basis for this camp, can he use it this year as long as we have some kind of an agreement in place that by the time that camp opens next year, it's hooked to municipal water. Because in the long run, I don't think any of us, you're not comfortable with it (addressing the Board members, several of which said no) we would never approve this. You've got a habit, you don't have the habit, Abe has the habit and he knows it, put it in and then ask if its okay. Sometimes it is, sometimes it isn't.

Bill Sattler: There's a saying that it's easier to ask for forgiveness than it is permission.

Attorney Garigliano: That's an old Yiddish saying.

Lydia Rolle: What's the problem with using municipal water. Why don't they want to use it.

Bill Sattler: The cost of tapping in a 6 inch T off a 12 inch line requires a width to fire hydrant, requires a special valve that will work and a meter that works under high and low pressure. So high pressure for domestic water supply, low pressure for the fire hydrant and that's in the \$30,000 dollar range.

Abe: CANNOT HEAR – TO FAINT

Bill Sattler: And there's very few people bonded that can install that which drives up the price as well. So that's how this whole thing got started. Unfortunately, I wasn't in the office those two weeks, I was on vacation. Abe asked me if I thought it would work, I said it sounds okay, but we have to run numbers and we have to make sure and here we are now. I guess you can blame me as much as anybody else.

Attorney Garigliano: Again, we're not trying to blame anybody. We want this to be safe.

Bill Sattler: I think we're all in agreement there too Walter. We don't want to say it's good enough, we want to say it's good it's the right thing to do. If the hydrant needs to be there, then this discussion is finished because there's really no other way around it.

Attorney Garigliano: I would not make the assumption that if the fire chief says we don't need the hydrant that you're not going to be required to be hooked up to municipal water.

Bill Sattler: That changes things exponentially because now we don't need the special valve for high/low pressure and the meter. That reduces costs 2/3's ? So instead of \$30,000 we're less than \$10,000.

Abe: TOO FAINT – continue with 4 inch pipe UNCLEAR to work on the sprinkler TOO FAINT

Attorney Garigliano: We're going to get an answer to that other than you, Abe. I know that you are a sprinkler expert at this point. You learned a lot in the last couple weeks.

Bill Sattler: The hard way.

Attorney Garigliano: We'll send it to our sprinkler expert to make sure. Because I don't know that one 4 inch line provides adequate flow for 16 units.

Bill Sattler: I can tell you it doesn't.

Attorney Garigliano: I don't think that it does.

Bill Sattler: It does without the sprinklers. But with the sprinklers it gets us over the AWWA standards and we just won't have the flow.

Attorney Garigliano: That's what I thought.

Abe: TOO FAINT.

Bill Sattler: We always design for worst case scenario, not for only one fire in one building because fires grow. If you can handle the worst, you can handle the rest.

Attorney Garigliano: Well, look. We're going to send this, I'm presuming to our engineer to take a look at on that issue. And he'll tell us it either is or isn't. It's an _____ calculation.

Bill Sattler: Yes, it's simple math. Abe probably misspoke a little bit. I think what he probably meant to say was to leave one 4 inch line there, bring a 6 inch line to that and then break off with a second 4 inch line.

Abe: I mean to say TOO FAINT because eventually next year TOO FAINT

Bill Sattler: Like I said, maybe next year I'll hit the lottery and I won't have to, I can just be in the audience, I won't have to stand up here.

GENERAL LAUGHTER

Attorney Garigliano: The other thing we asked to have happen and I don't know if everybody got one or if Chris just sent one to me, we weren't wrong, almost every building location did change by 15-16 feet, the road changed by 15-16 feet, there are three buildings that are built there now that are substantially complete. I think we should consider revoking the prior site plan approval and giving or considering site plan approval for the three buildings that are there and between now and the time you want to build a fourth one, September or October whenever that's going to be, you can straighten out all these unanswered questions. But if the Board would consider doing that, then Abe would be able to move forward to finishing and occupying the three buildings.

Bill Sattler: I think that's a pretty wise decision.

Attorney Garigliano: I don't know whether the Board's comfortable with that or not. But I'm more comfortable today than I was Friday.

Lynn Dowe: Right, I am too.

John Van Etten: TOO FAINT...proper conditions.

Peter Stettner: Yeah.

Bill Sattler: Let's leave it up to your discretion. This particular Planning Board has always been consistent and fair and I always leave here feeling that you have everyone's best interest at heart, including the citizens. It's a hard thing to do, but you guys do it well.

Attorney Garigliano: The three buildings that are built are 3-4, 5-6 & 13-14. I'm not asking, I'm just making note of that so that Nancy has it right in the minutes. Units 3-4, 5-6 & 13-14 are up.

Bill Sattler: Yes, that is correct.

Chairman Dowe: What is the date the camp season is officially over.

Abe: Do you know when Rosh Hashanah is?

Chairman Dowe: It's slipping my mind right now.

Attorney Garigliano: It's about two weeks after Yom Kippur.

Bill Sattler: We're talking a little more than a month.

Attorney Garigliano: It's in September.

MANY TALKING AT ONCE

Chairman Dowe: So is it worth it to put the water storage tank in and everything in for one month?

Bill Sattler: Only he could answer but I would say that perhaps this on the ground temporary tap off the hydrant that's out there. Right on the ground.

Peter Stettner: Rosh Hashanah is on the 16th of September.

Attorney Garigliano: When's Yom Kippur?

Peter Stettner: Yom Kippur is on the 25th.

Attorney Garigliano:

Abe: So September 6th we'll be finished.

Bill Sattler: So, we could meet with Albert out there and see what he has to say.

Attorney Garigliano: What I wanted to get a read on for Abe's benefit from the Board because he has spent an enormous amount of money out there, is it worth for him to put in the 5,000 gallon tank or is it not worth it.

Abe: TOO FAINT

Attorney Garigliano: I understand.

Denise Birmingham: If you're considering money, which this Board does not consider at all, but if you want to consider it and it's so dire, then don't have 8 units, have 7. Save the \$30,000 by not building a unit and putting in proper connection for the Town water if that's your concern. But this Board doesn't consider it. We're just concerned about the well-being of the citizens of you, our firemen who will have to come. You understand? The Health Department would like you to be on the Town/municipal water. That's my opinion only as one member.

Chairman Dowe: It's not only your opinion, it's a lot of peoples' opinion.

Lydia Rolle: Why would you want to put the tank if you're going to have to get municipal water. I mean that's like wasting money. You're going to have to rip that down anyway. You're still going to have to hook up to the municipal water, so you're like wasting money.

Abe: TOO FAINT

Lydia Rolle: But you still have to do municipal water.

Abe: These are units for this year, otherwise TOO FAINT

Attorney Garigliano: Is the Board willing to let them use it for this season with the understanding that.

John Van Etten: The first condition is UNCLEAR/TOO FAINT a 6 inch water supply.

Attorney Garigliano: Or whatever Glenn says it is. Because if they never build more than three buildings, 4 inch may be enough. So I think everything can be covered by, instead of a very long list of conditions, perhaps a short list of conditions that would give them approval for 60 days.

John Van Etten: That makes sense.

Attorney Garigliano: Because if I had to make a list of everything they need to fix, I'd be tired. And that way Mark, when they're finished and they do everything in accordance to Mark's work, he can give them a temporary CO for 60 days and then after the 60 days it's over. And that will give Bill and Abe and everybody else a chance to re-group. I mean again, I want to be very fair. It was a total disaster with a capital "D" on Friday. It was much better today and there are some things that they can do that will make it even better that won't cost much money.

John Van Etten: Did you want to say something to the Board (looking at Mark Van Etten).

Mark Van Etten: Yes, can the Board give some guidance to going forward for the site itself for the approval, such as retaining walls, sidewalk, that kind of thing, so that they, so that they're, you know, it looks like it could be a huge expense and I'd love to see them only do something once. UNCLEAR

Attorney Garigliano: One of the things that we clearly need on the sidewalk, and they did paint them on the ground with the same white paint you use to paint stripes on football fields, we're going to need a section of those so we understand how many risers, what are the length of your risers, what are the length of your treads. And I'm saying that more for Abe's benefit than anyone else's because he will do it twice if we don't make him do a plan.

Bill Sattler: I'm in agreement. That's been the problem out there and that bleeding needs to stop.

Attorney Garigliano: So I suggest we consider a very short term temporary approval as opposed to a long list of conditions and then Mark can take it from there and could only give temporary CO's and they'll have to come back here and fix the rest of the things that are a problem. We're definitely going to want a compactor for cardboard. We're definitely going to want to understand more about the surface of the road. We're definitely going to want to have something for the sidewalks in terms of something that meets your requirements.

Peter Stettner: The 60 day temporary goes ahead.

Attorney Garigliano: The 60 days takes them well past September 6th and it might even take them past Rosh Hashanah and Yom Kippur.

Chairman Dowe: To what extent would the 2-way road be completed in this 60 day period, if any.

Bill Sattler: Because the 3 units are built just to pavement over here, so I don't think the fire trucks can get much closer than whatever that is, you know, 150-160 feet away.

Attorney Garigliano: For those 3 units I'm not sure if that road is...

John Van Etten: Wide enough, it doesn't have the width.

Chairman Dowe: AS it is now it would not. But I think that for these 3 units that are built already...

Attorney Garigliano: these 3 units could be attacked, fire attacked, from the standpoint of by the pool, right.

Chairman Dowe: From the parking lot.

Attorney Garigliano: Not these down here, but these 3.

TOO FAINT

Bill Sattler: The one by your left hand would be the furthest one away (pointing to Chairman Dowe's map)

Attorney Garigliano: They could drive right up by the pool, there's still adequate pavement.

Chairman Dowe: Right.

Bill Sattler: Well that's certainly good news.

Chairman Dowe: You're not out of the woods yet.

Bill Sattler: It is encouraging. We appreciate the effort to help Abe get down from under this. What you don't know, he's not doing this for himself, he's got... It was just his Rabbi's that were calling him several times a day and the Rabbis have now passed that duty on to their wives. So now he has all of these women calling him up all day long. Even I feel sorry for him and that's hard because I'm the one that's got to fix all these problems. He's doing it for all the right reasons. It's an unselfish act, he's doing it for others and for religious reasons and he just, um. They got off on the wrong start and just never seemed to get their composure back. That's basically what happened.

Attorney Garigliano: It's up to you guys.

John Van Etten: So how do we do this.

Attorney Garigliano: Well procedurally you would provide them with an approval of 3 buildings comprised of 6 units subject to completion of those buildings in accordance with the NYS Building Code subject to the temporary use for fire suppression of the fire suppression system that's shown on this plan with the understanding that whether they building any buildings or not, that that's not adequate in the long run. Subject to some approval I would suggest by Mark and the chairman perhaps of some level of detail for these sidewalks because they can build them there, it's no question. But it looks so flat, this plan when you lay it on this table, it looks a little different when you're out at the site. I think those are the main things. I think the rest are things that we can deal with, without the pressure of having partially completed buildings. Does that sound right?

John Van Etten: Sounds fine. Then the other condition should be the water, that they be allowed to use that 5,000 gallon tank for the duration of 60 days.

Attorney Garigliano: Well they're only using that 5,000 gallon tank for fire suppression, right?

Chairman Dowe: That is correct. The 5,000 gallon tank is only used for fire suppression.

Bill Sattler: No, they would like it for domestic water too.

Chairman Dowe: Then you have the health department issues.

SEVERAL TALKING AT ONCE

Bill Sattler: That's what I said before, there's two things we could do. Meet with Albert and see if he would be willing to allow on the ground, a summer water tap from the fire hydrant out in

the street for the next month or so, metered. Other camps do it so maybe he'd be willing to do that.

Chairman Dowe: So the 5,000 gallon tank, what would that be used for? Exactly.

Bill Sattler: For all domestic water for everything. For only the duplex units. Just so you know, 5,000 gallons comes out to about 2 ½ day storage for all 8 duplexes.

Chairman Dowe: I'm only asking this because I don't know. If they had municipal water and filled the 5,000 gallon tank with it, would it still need to be inspected by the Health Department regularly or be treated.

Bill Sattler: Well it would be treated by default, because all municipal water is treated. The well water that they have is accepted. They would just have to accept the modification.

Chairman Dowe: I know the water is treated when it comes from the municipal water. But would that take care of any contaminants that are in the 5,000 gallon tank?

Bill Sattler: It should that tank is designed to be used for potable water. In other words, it's not just a plastic tank. It's a special plastic material made for potable water on the inside and to prevent algae growth and UV breakdown on the outside. So that's a specially designed water tank for outside water storage for potable purposes. In other words it's not the same tank a farmer would use out in his field for irrigation or something like that. He could just use a white tank. But those green tanks are special. They're designed for UV protection. TOO FAINT

Lydia Rolle: Where's the water coming from?

Nancy Saucier: Yes, what are you filling the tank with. Where does that water come from?

Denise Birmingham: Is this your well?

Bill Sattler: Yes, they have an approved well on the property.

Denise Birmingham: The Health Department isn't very happy with that.

Bill Sattler: They're happy with the well, they're not happy with the maintenance.

Denise Birmingham: Okay.

Bill Sattler: And submission of reports. That makes a big difference.

Denise Birmingham: Right.

Bill Sattler: So much so that the Health Department told me even to have a religious pre-filter and that's pretty black. But that's the catch. I didn't even know that until today, but I guess even in well water there's little microscopic crayfish and this filters them out and the filter is pretty dirty.

Attorney Garigliano: The Supervisor is here, consulting with him, let's proceed in two paths. Let's proceed in a path that we can get an over the ground temporary tap from the municipal water system, but it would only go to the 5,000 gallon tank. It could not back-feed to the other camp. You show an inter-connection on your plan.

Bill Sattler: Because it's going through the building. I understand what you're saying, we'll go directly to the tank.

Attorney Garigliano: If you go directly to the tank there can't be any interconnection between the municipal supply and the well supply.

Bill Sattler: I know Albert, he'll want a back-fill preventer and all these things that we can give him.

Attorney Garigliano: Well you can also just cut the pipes. You don't need a back-fill preventer if you cut the pipe. This interconnect isn't necessary. If you feed the 5,000 gallon tank from an overland, temporary pipe that goes to the hydrant at the street, you can cut this pipe, you don't need a back-fill preventer.

Bill Sattler: We probably don't even need to cut it, just don't hook it up in the first place.

Attorney Garigliano: Well if it's already there you can...

Bill Sattler: It's just stuck out of the ground.

Attorney Garigliano: Okay, then don't hook it up, then you won't need a back-fill preventer. So that's option #1. If the Town can allow that and it's a matter of whether the Water Department can do it, then that's a solution. The other solution if that doesn't happen, is for the next 6 weeks to impose a requirement that they hire an outside, unrelated to the camp, not a cousin of Abe's, water supply operator. Someone that has a water supply license to run a water supply at a camp and let them operate it for the next 6 weeks and let them be responsible if they don't hook up to the Town. They probably will do the paperwork. A really bad idea would be to run the 4 inch pipe to the road and spend all that money and find out it wasn't big enough. That would be a real bad idea. So would either of those be okay?

Mark Van Etten: Yeah, I like the first one better.

Attorney Garigliano: Well if the Town can't do it, or won't do it.

Bill Sattler: We'll start with Albert and see how it goes.

Attorney Garigliano: Well Charlie will talk to Albert. Maurice, you're okay. (Maurice Gerry, Town Board, nods yes) So that would be, to answer your question, procedurally it would be an approval subject to a condition and the condition is that the approval evaporates in 60 days. It's got an approval with disappearing ink. We could approve it off of this map but only to the extent of buildings – units 3-4, 5-6 & 13-14. Because I believe these locations are the as-built locations.

Abe: TOO FAINT

Attorney Garigliano: You know what my Uncle Leo used to tell me?

GENERAL LAUGHTER

Attorney Garigliano: He used to tell me that "when the man likes the suit, stop talking."

SEVERAL TALKING AT ONCE

Chairman Dowe: Alright, what is the next step? For Charlie to talk to Albert for one.

Attorney Garigliano: The next step is for the Board to consider whether they'd be willing to grant temporary approval.

Mark Van Etten: There is a slight setback for that application is that the tank is on one side of the driveway and the hydrant is on the other.

Attorney Garigliano: They're going to need to put in a 12 inch culvert and run it through. I saw that.

Bill Sattler: If they want it bad enough they'll figure a way to make it work.

Chairman Dowe: Put in a sleeve.

Attorney Garigliano: Put in a sleeve, there's nothing to it. Just a culver pipe, just run it through that.

Chairman Dowe: Black plastic or driveway pipe, a highway culvert.

SEVERAL TALKING

Chairman Dowe: Board, what is your pleasure?

Peter Stettner: Sounds good to me.

Chairman Dowe: I don't know if it sounds good to me, but it would definitely help the applicant.

Attorney Garigliano: It would address the Health Department's concerns.

Chairman Dowe: It would, and give them a little bit of time just to get the next phase of the project on a clear path.

Supervisor Barbuti: Am I out of order to speak at your meeting?

Chairman Dowe: No, go ahead since you're the Boss, we'll let you.

Supervisor Barbuti: I have to just say that this whole process, that you know, you get an approval for a plan, you do the plan and you don't. You guys are not here to, you're not clerks of the works, you're not managers of the project. You can't keep coming back here with "well we're going to change this and we're going to change that". I think people that come before the Planning Board need to be clear that that's not how the system works. This system works by "you come, you get a plan, you do your construction according to the plan". This is, you know, these people are not here to help you through the system to manage your facility and create a facility that maybe you can do this, maybe you can do that. I don't want to sit in judgment of every time you put a pipe in the ground. It doesn't work that way. And before next Spring as Supervisor and with other Board members here, the plan that you provide this Planning Board will be the plan they've approved that gets constructed with no more back and forth. I just wanted to make it clear that's how things work.

Chairman Dowe: Right.

Supervisor Barbuti: That's all.

Chairman Dowe: That's a good plan. I think that at the last meeting we made that clear to them, that we do not want them to come back with an "as built plan" and expect to get an approval. Them or anyone else.

Lydia Rolle: So why are we doing this?

Chairman Dowe: They've put a lot of money into this already. They're trying hard to make it right now. They have 3 buildings that if they abandon the project it will be the worst thing for the Town. We're trying to help them out at this point.

SEVERAL TALKING AT ONCE

Chairman Dowe: By giving them a temporary approval or an approval for 60 days for what they have now, like I said, it would help them to be able to continue with the project and hopefully get the remaining part of it right.

Denise Birmingham: But when you say continue with the project, we're not saying "continue building more buildings".

Attorney Garigliano: They're only going to build the 6 units {3 buildings} that are there now.

Denise Birmingham: That's it. That's what we mean.

Bill Sattler: Until the rest of the site plan gets approved. And the way Charlie put it, that's what's going to be built.

Attorney Garigliano: And when you do bring in the rest of the site map, given the difficulties of the site think about bringing in better than 20% contours. None of envision, which isn't your fault or Abe's fault. None of us envision, I'm sure, envisioned the site being graded the way it's graded. I envisioned the site was going to have all the trees removed and there was going to be a 3 or 4 % uniform grade from the top to the bottom.

Bill Sattler: That sort of was the plan, Walter, and then time became the enemy and there was no time for compacting and lifts.

Chairman Dowe: Which way would have been quicker now?

Bill Sattler: No comment. But the amount of time that was lost...

Attorney Garigliano: I can give you a list of lots of places that rent vibratory compactors, lots of them.

Chairman Dowe: Do you want to put this in some form of motion?

MOTION MADE BY JOHN VAN ETEN, SECONDED BY DENISE BIRMINGHAM FOR A TEMPORARY 60 DAY APPROVAL OF THE SPECIAL USE PERMIT OF YESHIVA LETZIRIM INCORPORATED FOR CONSTRUCTION OF THREE (3) BUILDINGS CONTAINING UNITS 3-4, 5-6 & 13-14 SUBJECT TO THE CONDITION THAT THEY INSTALL A MUNICIPAL WATER LINE TEMPORARILY OR HAVING A THIRD-PARTY VENDOR PROVIDE THAT SERVICE TO RUN THEIR EXISTING WATER SUPPLY WITH A METER, SUBJECT TO COMPLETION OF THE THREE (3) BUILDINGS IN ACCORDANCE WITH THE NYS BUILDING CODE AND ANY CO'S ISSUED FOR THE THREE (3) BUILDINGS WOULD BE TEMPORARY AND THAT THE BOARD RECEIVES A DETAILED PLAN FOR THE SIDEWALKS AND STEPS. THE PRIOR SITE PLAN APPROVAL DATED APRIL 24, 2012 IS HEREBY REVOKED. ALL IN FAVOR. APPROVED.

Mark Van Etten: I'd like to throw in one thing. We also need a road name for 911 so we can get those units identified.

Attorney Garigliano: "Abe's Way"

Vincent McPhillips: They won't get electric service unless they have a 911 address. Until they set a meter, and you won't get a meter set until they have a 911 address.

SEVERAL TALKING AT ONCE

Mark Van Etten: We'll need three names with a preference to those three and then I'll go back to 911 and get the one that they allow.

Attorney Garigliano: That's a Town Board issue.

Mark Van Etten: We'll need it to expedite this.

Bill Sattler: Which three?

Supervisor Barbuti: They want to make sure the name's not used first.

Mark Van Etten: You'll need three names, numbered 1, 2, 3 in order of preference then it goes to Town Board for approval, well I go to 911 first to see if they've been used then it goes to Town Board for approval.

Bill Sattler: We should be applying for 911 addresses right?

Mark Van Etten: I do that.

Attorney Garigliano: It comes from the Code Enforcement Officer.

Chairman Dowe: I don't know if John's done with his motion.

John Van Etten: I guess.

Attorney Garigliano: I think we should refer the sprinkler adequacy question, since it's not hooked up to the municipal sewer to our engineer to get it approved. I don't think it will be a problem, but I think we should do that.

John Van Etten: Yes.

Lydia Rolle: So it's a 90 day.

Several Members: 60 day.

Lydia Rolle: 60 day subject to all these conditions?

Attorney Garigliano: And the prior site plan approval for the 8 units is revoked.

Several Members: Correct.

John Van Etten: So we need that in a separate motion?

Attorney Garigliano: No, put it right in this motion.

Nancy Saucier: So, John proposed the motion, who is seconding?

Denise Birmingham: I second.

Chairman Dowe: All in favor. You'll have a lot of work to do still because your 60 days will be up before you have your work done...

Abe: I'm really thankful and I'm sorry for all the problems.

Denise Birmingham: We're not trying to be mean to you. We are very concerned about the people that are going to be in units 3-4, 5-6 & 13-14, those people that are going to be in there. We want to make sure that they're going to be cared for. They have proper water.

Abe: TOO FAINT

Chairman Dowe: What was the question?

Abe: TOO FAINT ... CO?

Chairman Dowe: Before you get your final CO, right.

Bill Sattler: With these 3 buildings it was agreed that they could get close enough with conditions as they are.

Attorney Garigliano: Not this street down here, it's all the way from the other end. All the way from the beginning will be it's name.

Abe: TOO FAINT

Mark Van Etten: Each unit will get a number.

Chairman Dowe: For now these 3 buildings, you can access with the sidewalks.

Bill Sattler: The idea is that they don't drive there, it's even all surrounded by chain link fencing so that any children can play in a safe enclosure so they don't anticipate driving cars down there, maybe twice a year, when they first arrive to unload their car and when they leave.

Chairman Dowe: On this road?

Bill Sattler: No we just provide that for emergency access so they can turn around. Fire trucks, ambulances, you know, whatever. But that's not even meant for general, everyday, course of business kind of use. It's emergency vehicles only. Well I'd like to thank everyone for their patience and understanding and willingness to bend a little bit. And with that said, have a good night.

After discussion of a few housekeeping matters the meeting was adjourned.

ON A MOTION BY JOHN VAN ETEN AND SECONDED BY DENISE BIRMINGHAM, THE MEETING WAS ADJOURNED AT 8:40 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 24, 2012 are not to be construed as the final official minutes until so approved.

___ Approved as read