

**TOWN OF LIBERTY
PLANNING BOARD MINUTES
August 2, 2011**

MEMBERS PRESENT

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

ABSENT

Ray Kelly

ALSO PRESENT

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

CHAIRMAN DIANE S DEUTSCH CALLED THE MEETING TO ORDER AT 7:05 PM.

JOHN VAN ETTEN: I have one thing regarding the minutes to be approved with regard to the Jerald & Mary Sue Green project. 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. Something should be put in those minutes in case it ever comes back to the Board, because the Board is relying on that data even though it looks like there are discrepancies on that map also. I do think we need to be very careful about that and add something to those minutes to reflect the fact that the flood plain lines appear to cross contour lines and there may be some error on that. He believed the Board kind of concurred with that.

DENISE BIRMINGHAM: I think that the engineer, Thomas Ward's map addresses that. That he has a note on his map that this is the flood boundary zone as per the FEMA map. So he's saying that these lines were as FEMA put those lines in. So that addresses that.

JOHN VAN ETTEN: Right, but I think we need to say that too as a Board because we did notice it and question it. And yes, I agree with his note but I think we need to cover ourselves too as a Board. That we're relying on that same information that may not be correct. I just want to see it mentioned in the minutes so it never comes back and somebody says why didn't you ask about that? We can say, gee, we asked. It's in the minutes.

ON MOTION MADE BY DEAN FARRAND AND SECONDED BY LYNN DOWE, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR JULY 5, 2011 WITH THE CHANGES SUGGESTED BY JOHN. ALL IN FAVOR APPROVED.

PUBLIC HEARING:

Jerald and Mary Sue Green
2 Lot Subdivision
NYS Rte 52 & Mineral Springs Road
SBL: 32.-2-32.1
Zone: SC #2011-0009

Forty hearing notices were sent, 34 green cards received, 3 notices were returned and 3 are outstanding. Chairman Deutsch reported that the 239 review letter was received from County Planning stating that this project was suited for local determination. She then asked if there was anyone from the public who had any questions or comments. There was no response from the public.

Chairman Deutsch said the Board received 4 form letters by 4 different residents and read the letter to the members and listed the senders as follows: Susan Allsop & Myron L Miller; Mr. & Mrs. Donald Crigan; Alfred Houghtaling and Rhea Loughrey/Bradford Loughrey. – Letters are in the file.

Mary Green asked if she could address the concerns in the letters. She said that the buildings would be new units, the siding and trim in muted colors. It would have landscaping and be as least intrusive to the surrounding area as possible. She also stated that since the property was in the SC-Service Commercial district, any business such as a gas station or retail business would alter the area.

ON A MOTION MADE BY LYNN DOWE, SECONDED BY JOHN VAN ETEN, THE PUBLIC HEARING WAS CLOSED. ALL IN FAVOR. APPROVED.

PUBLIC HEARING:

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

Forty hearing notices were sent, 34 green cards received, 3 notices were returned and 3 are outstanding. Chairman Deutsch reported that the 239 review letter was received from County Planning stating that this project was suited for local determination and read out the suggestions from County Planning regarding the appearance of the buildings and landscaping. She then asked if there was anyone from the public who had any questions or comments.

Mary Green said her response would be the same as for the subdivision project. There was no other response from the public.

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

Attorney Garigliano suggested reviewing the Special Use Permit application before the Subdivision application since the Greens stated they would not do the subdivision unless the Special Use Permit was approved.

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

Tom Ward appeared for the project. John Van Etten said there needed to be landscaping added. Chairman Deutsch said it should not block the visibility of entrance onto the road. After a short discussion it was determined that the facilities would be steel of brown and grey colors, split rail fencing would be placed along the road frontage behind the water, and there would be no outside storage. It was also determined that the lighting depicted on the map was insufficient.

ON A MOTION MADE BY JOHN VAN ETTEN, AND SECONDED BY LYNN DOWE, THE SPECIAL USE PERMIT FOR JERALD AND MARY SUE GREEN WAS APPROVED WITH CONDITIONS THAT 1. THE SUBDIVISION IS APPROVED; 2. LANDSCAPING AND FENCING IS DONE; 3 A CUT-SHEET DEPICTING THE OUTSIDE LIGHTING AND TYPE OF FIXTURES BE SUBMITTED; AND 4. A NOTE BE PLACED ON THE MAPS THAT THERE IS TO BE NO OUTSIDE STORAGE. ALL IN FAVOR. APPROVED.

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 appeared for this project.

ON A MOTION MADE BY JOHN VAN ETTEN, SECONDED BY DEAN FARRAND, THE 2 LOT SUBDIVISION OF JERALD AND MARY SUE GREEN WAS APPROVED. ALL IN FAVOR. APPROVED.

Thomas Ward
Lot Improvement
136 Dahlia Road
SBL: 4.-1-16.6
Zone: RD #2011-0012

Tom Ward appeared for this project. He explained that he brought new maps referencing the change in ownership from his deceased uncle to his cousin. After a short discussion it was determined that the file was complete.

ON A MOTION MADE BY DEAN FARRAND, SECONDED BY JOHN VAN ETEN, THE LOT IMPROVEMENT OF THOMAS WARD WAS APPROVED. ALL IN FAVOR. APPROVED.

Shelley Realty Corp. / Allen Frishman
Special Use Permit
Station Hill Road
SBL: 36.-1-114/117
Zone: SC / IC #2011-0013

Allen Frishman appeared for this project. Attorney Garigliano pointed out that the deed Mr. Frishman submitted was for the wrong property, for the Livingston Manor property, not the Town of Liberty property. Mr. Frishman was questioned as to why he showed so much of the adjacent property and just the portion of property where the location of the proposed addition would be. Lynn Dowe suggested that he ask the owners about where they are dumping and see what their plans are since the area where the dumping is occurring is so steep. He also asked Mr. Frishman if he thought a tractor trailer would even fit in the proposed addition, since the door was depicted to be so narrow. Denise Birmingham questioned the setback since the requirement is 10 feet and it scales on the map as 5 feet. It was determined that it was the same as the original and did not create an issue and make it worse. Mr. Frishman is to redo the map answering all questions, add contour lines, a location map and place a note on the map that there will be no outside lighting added. Attorney Garigliano reminded the Board that this was a type II action and did not require SEQRA.

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

Chris Brunjes of Adler Engineering appeared for this project. He explained that they wanted to put up 8 duplex units for staff use and relocate the previously approved pool. He said that currently they had 160 campers and would, when the units were built, have 115 campers. There would be a 12 foot compacted road running around the area used only for emergency vehicles and the loading and unloading of campers, not to be used "all the time". They want to move the pool because the location it is approved for now is too low and since viewing of

swimmers is not allowed by those not swimming, they wanted to move it to higher ground and therefore would also require a lower fence around it and it would be more central. He said the owner also agreed to put the siding down another three feet and fill in the remaining area to the ground with lattice on the house that was built on their other property. After a discussion it was determined that Chris would re-read the new zoning regulations for RD and see if what they were requesting for staff housing was allowed. The Board would be looking further into this issue as well.

Esther Newhouse
8 lot Subdivision
Twin Bridge Road
SBL: 30.-1-88
Zone: R-1 #2011-0015

Randy Wasson appeared for this project. He said they wanted to do 8 lots of approximately 1 acre each. He explained that this was a quick map, just preliminary and that they still hadn't confirmed exactly where the lot lines would be permanently. He said there was still a lot of field work to be done. Concern was shown by a few Board members with the sight distances on lots 7 and 8. It was also suggested that the flag lot shown on the preliminary map be located somewhere else. The Board will also require percs and pitts to be done. Randy is also to check with NYSEG for the centerline easement.

Mark Van Etten said he wished to tell the Board about a telephone call he received from Marsha Fink of the County. She asked him if that when the Board sent something for 239 review, could we also send her a package so that she could check for any driveway issues. Attorney Garigliano said she should check down the hall with County Planning and make the request to them, rather than all the many towns in the County.

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 August 2, 2011 are not to be construed as the final official minutes until so approved.

 X Approved as read