

**TOWN OF LIBERTY
PLANNING BOARD MINUTES
August 4, 2009**

MEMBERS PRESENT

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

ABSENT

Lynn Dowe

ALSO PRESENT

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

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

ON MOTION MADE BY DEAN FARRAND AND SECONDED BY JOHN VAN ETTEN, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR JUNE 2, 2009 WITH THE CHANGES AS NOTED.

ON MOTION MADE BY JOHN VAN ETTEN AND SECONDED BY DEAN FARRAND, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR JULY 7, 2009 WITH THE CHANGES AS NOTED.

PUBLIC HEARING:

Camp Rayim
Special Use Permit
263 Breezy Hill Road
SBL: 5.-1-1
Zone: RD #2009-0012

Fourteen notices sent, 9 green cards received one returned. Chairman Deutsch asked if there was anyone present from the public.

Elaine Lederer asked if the shul was going to be used for anything besides a shul or have outside use. It was explained that it was for use as an onsite shul only. Ms. Lederer was satisfied.

No one else appeared.

MOTION WAS MADE BY DEAN FARRAND SECONDED BY JOHN VAN ETTEN TO CLOSE THE PUBLIC HEARING. APPROVED.

Gladys Hyzer

Information Only
236 Cattail Road
SBL: 4.-1-3.1
Zone: RD #2009-0024

Nine notices sent, 6 green cards received. Chairman Deutsch asked if there was anyone present from the public.

Robin Geiger appeared and looked at the map with George Fulton.

No one else appeared.

MOTION WAS MADE BY RAY KELLY SECONDED BY JOHN VAN ETTEN TO CLOSE THE PUBLIC HEARING. APPROVED.

William & Marion Abplanalp
Special Use Permit
3310 State Route 52
SBL: 33.-2-1
Zone: SC #2009-0023

Ten notices sent, 7 green cards received and one returned. Chairman Deutsch asked if there was anyone present from the public.

No one else appeared.

MOTION WAS MADE BY DEAN FARRAND SECONDED BY RAY KELLY TO CLOSE THE PUBLIC HEARING. APPROVED.

Camp Rayim
Special Use Permit
263 Breezy Hill Road
SBL: 5.-1-1
Zone: RD #2009-0012

Bill Sattler of Alder Engineering appeared for this project. The first thing discussed was the lighting. A paper showing the correct lighting was produced and the Board asked that it be shown on a cut sheet as a page two to the plans. Bill said he had been unsuccessful in reaching the Fire Chief to get a signature for the location of the dry hydrant. Mark Van Etten the Code Enforcement Officer, will set up an appointment with the Fire Chief, John Burke and Bill Sattler and will meet with them on site to discuss the dry hydrant and get the Fire Chief's signature then.

ON A MOTION BY JOHN VAN ETTEN SECONDED BY DEAN FARRAND THE SPECIAL USE PERMIT FOR CAMP RAYIM WAS APPROVED ON THE CONDITION THAT THE LIGHTING BE SHOWN ON A SEPARATE CUT-SHEET AS PAGE TWO OF THE PLANS AND THAT THE FIRE CHIEF SIGNS OFF AS TO THE DRY HYDRANT. ALL IN FAVOR, APPROVED.

Gladys Hyzer
3 lot Subdivision
236 Cattail Road
SBL: 4.-1-3.1
Zone: RD #2009-0024

George Fulton appeared for this project. After a short discussion, it was agreed that all criteria had been met. Several Board members agreed that this project looked much better as far as the clean up was concerned than when it was submitted.

ON A MOTION BY DEAN FARRAND SECONDED BY JOHN VAN ETTEN THE 3 LOT SUBDIVISION FOR GLADYS HYZER WAS APPROVED. ALL IN FAVOR, APPROVED.

William & Marion Abplanalp
Special Use Permit
3310 State Route 52
SBL: 33.-2-1
Zone: SC #2009-0023

William & Marion Abplanalp appeared for this project. After a short discussion it was determined that all criteria had been met.

ON A MOTION BY DEAN FARRAND SECONDED BY JOHN VAN ETTEN THE SPECIAL USE PERMIT FOR WILLIAM & MARY ABPLANALP WAS APPROVED. ALL IN FAVOR, APPROVED.

Machne Shar Hatora
Special Use Permit
85 Ferndale-Loomis Road
SBL: 35.-2-18
Zone: RD

No one appeared.

Carl L Hartman
2 Lot Subdivision
Denman Road
SBL: 37.-1-29.7
Zone: RD #2009-0007

Carl L Hartman appeared for this project. After a short discussion, it was determined that the 100 year flood plain needed to be shown on the map. The 239 review was discussed and noted that it was a matter of local determination. Attorney Garigliano read the SEQR.

ON A MOTION MADE BY JOHN VAN ETTEN AND SECONDED BY RAY KELLY, A NEGATIVE DECLARATION WAS GIVEN. ALL IN FAVOR. APPROVED.

ON A MOTION BY RAY KELLY SECONDED BY JOHN VAN ETTEN THE 2 LOT SUBDIVISION FOR CARL L HARTMAN WAS APPROVED ON THE CONDITION THAT FLOOD PLAIN BE SHOWN ON THE PLANS. ALL IN FAVOR, APPROVED.

John Arias
Special Use Permit
263 Lt. Brender Highway
SBL: 46.-1-30.13
Zone: RD

John Arias appeared for this project. After a short discussion it was determined that all criteria had been met. Attorney Garigliano read the SEQR.

ON A MOTION MADE BY JOHN VAN ETTEN AND SECONDED BY RAY KELLY, A NEGATIVE DECLARATION WAS GIVEN. ALL IN FAVOR. APPROVED.

ON A MOTION BY JOHN VAN ETTEN SECONDED BY DEAN FARRAND THE SPECIAL USE PERMIT FOR JOHN ARIAS WAS APPROVED. ALL IN FAVOR, APPROVED.

Ironic, LLC
Special Use Permit
Application for Renewal of License
Willi Hill Road (Town Road #86)
SBL 42-1-17.2
Zone: AC #2006-0059

Randy Wasson appeared for this project. Part II and Part III of the EAF had been received from the Town Planner, Tom Shepstone. Part I was brought out and as a whole it was discussed. A few small changes were made and handwritten in by the Town Attorney, Walter Garigliano.

ON A MOTION MADE BY JOHN VAN ETTEN AND SECONDED BY RAY KELLY, A NEGATIVE DECLARATION WAS GIVEN. ALL IN FAVOR. APPROVED.

This project will be brought back in September for a resolution of approval.

Michael Moriggia
Special Use Permit
State Route 55
SBL 44.-1-54
Zone: SC #2008-0023

Michael Moriggia appeared for this project. After a short discussion it was determined that Michael Moriggia will try for two area variances at the Zoning Board of Appeals. One for the road frontage and one for the distance between the buildings.

White Sulphur Homes
Subdivision
White Sulphur Road
SBL 38-1-43 & 34.12
Zone: AC / RS #2006-0038

Ron Cobb of Hawk Engineering and Paul Savad appeared for this project. It was decided to have this project held over until the end of the Planning Board meeting. Mr. Cobb and Mr. Savad agreed.

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

Ron Cobb of Hawk Engineering and Paul Savad appeared for this project. It was decided to have this project held over until the end of the Planning Board meeting. Mr. Cobb and Mr. Savad agreed.

Robert T Werlau
2 lot Subdivision
5988 State Route 55
SBL: 23.-1-54,2
Zone: RS #2009-0025

Michael Woods and Robert T Werlau appeared for this project. After a short discussion was held explaining how the lots were to be divided, further discussion was held with regard to the placement of the driveway and site distance. It was determined that while they could produce a letter from Tim Pellam of the Highway Department, perhaps they could reconfigure the driveway allowing for more site distance. This project is to be sent for 239 review and a public hearing is to be scheduled for August 18th. Michael Woods will be delivering revised maps showing the newly placed driveway and Robert Werlau will place orange cones to mark the new location so that the Board members will be able to see where it is to be located on their site visits before the special meeting.

52 Liberty Inc./Save-Rite
Special Use Permit
1885 Route 52
SBL: 30.-1-76.1
Zone: IC #2009-00261

Usher Jalus appeared for this project. He explained the purpose of this application. The issue the Board members had was parking. It was determined that the seven extra parking spaces shown on the map should be sufficient. Usher Jalus is to prepare signs and show them to the Board members to advise patrons that there is also parking on the side and back of the shopping center. He is to bring the sign examples back to the next meeting. There will be a public hearing on this project on September 1st.

Adar Improvements / Swan Lake Paradise

Special Use Permit

Mongaup Road – County Route 74

SBL 46-1-18

Zone: SC #2006-0029

Yehuda Fieg appeared for this project. He is asking for an extension on this project which has a signed map of approval on file dated August 14, 2007. After a short discussion the Board granted same.

ON MOTION BY JOHN VAN ETTEN SECONDED BY DEAN FARRAND THE APPROVAL DATED AUGUST 14, 2007 FOR ADAR IMPROVEMENTS / SWAN LAKE PARADISE WAS EXTENDED UP TO AND INCLUDING AUGUST 14, 2010. ALL IN FAVOR. APPROVED.

Jay Burke

For Information Only

By Town Supervisor's Request

Jay Burke appeared on this for information only. He said that the Code Enforcement Officer, Mark Van Etten, told him that he would need to apply for a Special Use Permit due to the fact that he had purchased second screener for the site and plans to do crushing. The Board members had each been given a copy of a letter received by Mr. Burke from the DEC stating that the permit enclosed with the letter was a renewal only and did not authorized any processing on the site. The letter also stated that a letter addressing the application for modification would be coming to Mr. Burke shortly. After a short discussion it was determined that Mr. Burke could either wait for the letter from DEC or go ahead and apply for a Special Use Permit to include processing on his site, as in the past his permits did not include processing even though he ran a single screener on site for several years.

White Sulphur Homes

Subdivision

White Sulphur Road

SBL 38-1-43 & 34.12

Zone: AC / RS #2006-0038

Ron Cobb of Hawk Engineering and Paul Savad appeared for this project. After a short discussion it was determined that since there are many issues to be discussed and the Board members have questions about it would be best perhaps to have a "work session" scheduled. Mr. Cobb and Mr. Savad agreed.

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

Ron Cobb of Hawk Engineering and Paul Savad appeared for this project. After a short discussion it was determined that since there are many issues to be discussed and the Board members have questions about it would be best perhaps to have a “work session” scheduled. Mr. Cobb and Mr. Savad agreed.

NOT ON AGENDA:

- ❖ Town Attorney Walter Garigliano brought to the Board’s attention that a response was received from the Town Planner on the Menderis Road project. He gave copies to all the Board members along with a draft Resolution for Determination of the Scope of Services for a Biological Survey of the Menderis Road Subdivision. This project will appear at the special meeting for another project previously scheduled for August 18th at 6:30 p.m.
- ❖ An unidentified woman stood up and started giving her opinion on the Ironic LLC project and raised some concerns. The Board members assured her that all concerns had been covered at previous meetings.

ON A MOTION BY JOHN VAN ETEN AND SECONDED BY DEAN FARRAND, THE MEETING WAS ADJOURNED AT 10:00 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 4, 2009 are not to be construed as the final official minutes until so approved. _____ Approved as read