

**TOWN OF LIBERTY  
PLANNING BOARD MINUTES  
August 5, 2008**

**MEMBERS PRESENT**

Diane S. Deutsch, Chairman  
Dean Farrand  
Ray Kelly  
John Van Etten, alternate  
Peter Stettner, alternate

**ABSENT**

Jon Sutherland  
Lynn Dowe

**ALSO PRESENT**

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

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**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 JULY 1, 2008.**

**ON MOTION MADE BY JOHN VAN ETTEN AND SECONDED BY DEAN FARRAND, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR JULY 22, 2008.**

**B.B.P. Ferndale, LLC**  
2 Lot Subdivision  
9 Ferndale Road  
Co. Rd # 71 & Co. Rd # 175  
SBL 36.-1-110.2  
Zone: IC

James G. Severing appeared for this project. It was discussed how this was changed to a Lot Improvement with Parcel A being 1.49 acres and Parcel B being attached to the existing Parcel C of Shelly Realty Corp. Severing brought the old tax maps at Town Attorney Garigliano's request for his review. After Attorney Garigliano studied and compared the maps he said the current map was exactly as suggested. Chairman Deutsch asked to see the maps, Dean Farrand also examined the maps.

It being clear that no public hearing or 239 review was necessary, Chairman Deutsch asked if there were any questions or comments from the Board members. Ray Kelly asked about the church's access. It was pointed out that it is granted in the Notes on the map.

**ON MOTION MADE BY RAY KELLY AND SECONDED BY DEAN FARRAND, THE LOT IMPROVEMENT FOR B.B.P. FERNDAL, LLC WAS GRANTED APPROVAL. ALL IN FAVOR. MOTION APPROVED,**

**RNR Housing Mobile Home Park**  
Special Use Permit  
Kelly Bridge Road  
SBL: 40.-1-1  
Zone: RD

Glenn Smith appeared for this project along with Michael Baum the owner. It was explained that this project was granted variance relief at the public hearing held by the Town Board on August 4, 2008. It was also discussed that they have all their required approvals from NYS DEC, etc. A draft resolution was presented for the Planning Board's review. The resolution is fine except for #1 on page 2, which will need a list detailing what has been submitted, which is to be provided to the Town Attorney's office by the Secretary of the Planning Board. Discussion was held with regard to the dumpsters and large item collection. It was decided that the policing issue was for the park owner or his representative. It was also discussed that since this was not a subdivision there would be no bonding issue, however, no C/O would be issued until all improvements are installed and not sold until built. The site still needs roads, sewer and water. The DOH and the DEC both require certification for those matters as does the Town of Liberty Code Enforcement Officer for the C/O.

Dean Farrand wanted to know what protection there was for the taxpayers so that they didn't become responsible for the mobile home park. Attorney Garigliano said that he and Attorney Ken Klein discussed it at length, and they concurred that there would be no risk to the taxpayers. He said there have also been meetings with Albert Picard and John Schmidt. Attorney Garigliano also stated that this fell under State law and that when local government starts messing with State law they put themselves at risk. For example, local government doesn't issue SPEDES permits, the DEC does, so we should let the DEC and DOH do their jobs. There will be no risk unless local government noodles with it.

Mark Van Etten asked if there would be an engineer on the site for the sewer and water installation. Glenn Smith said he could not be there all day every day, but he would be checking as the process went along as it would need his approval as it progressed.

**ON MOTION MADE BY RAY KELLY AND SECONDED BY DEAN FARRAND, THE SPECIAL USE PERMIT FOR RNR HOUSING MOBILE HOME PARK WAS GRANTED APPROVAL AND THE RESOLUTION WILL BE SIGNED ONCE THE COMPREHENSIVE LIST IS INSERTED IN #1 ON PAGE 2. ALL IN FAVOR. 5 YES – 0 NO. RESOLUTION APPROVED.**

**Dimifini, LLC**  
Special Use Permit  
2623 State Route 52  
SBL: 35.-2-26  
Zone: SC.

Frank Pisapia appeared for this project. He said that they had a SWPPs with the DEC and the Town of Liberty Building Department and that according to the violation they received there were some weak points but that they have corrected them in the past week. A concerned citizen, Kevin Schwartz, who is representing his mother who owns the neighboring property to the above project, submitted a letter of complaint along with several pictures for the Board's review showing the flooding and silt flow onto his mother's property, some of it reportedly from March and April up to and including the last week of July. After

much discussion, it was determined the Mr. Schwartz wants the water problem alleviated and the silt fence which was installed by Dimifini, LLC out of there before a C/O is issued. Frank Pisapia said that they increased the size of the drainage ditch. John Van Etten said he was out there and noticed that the current pipe is 15 inches and that the original one required by the DOT was much smaller. With regard to the letter from DOT, Frank said they corrected the pipe at driveway #1 from 12 inches to 15 inches. Attorney Garigliano said he saw that there was a head wall at the end of the culvert. More discussion was held and it was determined that Frank would have to have his engineer correct the problem with the water and the neighbor.

Discussion was held with regard to the fence, the fueling station, and the training center, which is just for in class training as in videos, and classes in preparation for DMV written tests for monitors and drivers. Actual bus driving training (driving the bus) would only take place at the Fallsburg location. There would only be routine maintenance at the Liberty location, IE oil changes, tire changes, no major overhauls or air brake testing. It was also discussed as to whether the Liberty location was to cover just the Liberty schools and summer camps and whether or not there will be charters. That will be discussed again and resolved at the August 19<sup>th</sup> special meeting. The Board has decided to have a special meeting on August 19<sup>th</sup> at which time they are expecting to receive new maps, a Business Plan and have it match exactly with "as built" on the site and being sure to show the fueling station. In other words, have all three match, the maps, Business Plan and the actual site. The Board also wishes Glenn Smith to review the information and the site and have a review ready for the Board on August 19<sup>th</sup>. Tom Ward is to get Glenn Smith out to the site.

**Carol Robisch**  
Subdivision  
NYS Route 52  
SBL: 31.-1-27  
Zone: RD

Michael Woods appeared for this project. It is a simple two lot subdivision. One lot will be 5.26 acres and the other 6.09 acres. After a short discussion it was decided that it was a pretty straightforward subdivision and a public hearing will be scheduled for September 2, 2008. Since the property in questions is within 500 feet from the Town of Callicoon, the Town of Callicoon Town Clerk will be notified of the public hearing as well.

**ON A MOTION MADE BY PETER STETTNER AND SECONDED BY DEAN FARRAND THE MEETING WAS ADJOURNED AT 8:30 P.M.**

**APPROVED \_\_\_\_\_ N. Saucier**