

**TOWN OF LIBERTY
PLANNING BOARD MINUTES
August 7, 2012**

MEMBERS PRESENT

Lynn Dowe, Chairman
Ray Kelly
John Van Etten
Denise Birmingham
Vincent McPhillips
Peter Stettner, Alternate

ABSENT

Lydia Rolle, Alternate

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 24, 2012 WITH SEVERAL TYPOGRAPHICAL (“TYPOS”) CORRECTIONS. ALL IN FAVOR, APPROVED.

PUBLIC HEARING:

Brian Thompson
Special Use Permit
1852 Route 52
SBL: 30.-1-22.2
Zone: SC 2012-0013

Eleven hearing notices were sent, 11 green cards received.

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

There was no response from the public. A letter had been received from a member of the public and distributed to all the Board members. A copy is attached at the end of these minutes.

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

Attorney Garigliano said he believed the file was complete and asked the applicant if he would change the application to read “authorizing construction of a 10 x 25 overhang on existing structure” in place of “allow to continue to function as a viable business” which is on the

application submitted for the purpose of Special Use Permit requirements. Mr. Thompson agreed and the application was amended immediately.

Lynn Dowe asked Mark Van Etten if he had any questions or concerns. He said he would like to see a fence blocking the view of old/used parts and that the storage containers on the premises were there prior to the current applicant's use.

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

BSD, LLC a/k/a Liberty Business Park

Special Use Permit

Harris Road

SBL: 41.-1-27

Zone: IC #2011-0020

Charlie Bazydlo and Rajeev Raina, Project Engineer appeared for this project. They distributed an answer to the review comments of Town Engineer, Glenn Smith. They said they agreed with said comments and had no issues with them. A short discussion was held where they spoke of their pit tests and the fact they were not as good as they'd hoped and that they would be amending the design of the proposed septic accordingly. It was determined that a resolution could be prepared by the Town Attorney for a preliminary approval for the subdivision enabling the project to proceed to the Town Board for approval on the road. The applicant's engineers are to complete and provide copies of the pit logs for the Town Engineer's review prior to the meeting on September 4th. Attorney Garigliano reminded the applicant's engineers that they would be required to apply for a SPDES permit.

A discussion was held regarding the review of the Town Board on the proposed road and the nature of the proposed traffic flow on the proposed road. Attorney Garigliano said he believed the Town Board would probably not have to approve the proposed road with highway specifications if there were other specifications available that would be suitable for the proposed road, in this instance, low volume/heavy trucks.

A short discussion was held regarding the preliminary resolution and the conditions it would require.

ON MOTION MADE BY JOHN VAN ETTEN, SECONDED BY VINCENT McPHILLIPS, PRELIMINARY APPROVAL ON THE 4 LOT SUBDIVISION PORTION OF THE PROJECT WAS GRANTED WITH THE FOLLOWING CONDITIONS: 1. APPROVAL OF THE SEPTIC DESIGN BY THE TOWN ENGINEER; 2. A SPDES PERMIT; AND 3. LANDSCAPE DESIGN APPROVAL. ALL IN FAVOR. APPROVED.

The Resolution will be brought to the September 4th meeting.

Davidowitz
Special Use Permit
245 Ferndale Loomis Road
Unit # 35
SBL: 41.-1-9.8
Zone: RD #2012-0018

Pat Murtagh appeared for this project. He provided copies of plans to the Board for their review at the meeting. A short discussion was held where it was determined that a project was approved at this site on December 7, 2010 to replace an existing deck with a 14 x 21.3 addition at which time the 8 x 8 deck on the side of the premises was okay with the Board. Mr. Murtagh was told that he needs to supply the Board with a site plan showing the proposed project, and that they will also require a blow up of the premises area. Attorney Garigliano said that the plans submitted at this meeting were building plans more suitable to be submitted for a building permit. Mark Van Etten left the meeting and went to the Planning Board files and brought the above-referenced file down for the Board to show an example to Mr. Murtagh of what they would require.

Merkos L'Inyonei Chinuch (Camp Gan Israel)

Special Use Permit
Old Route 17/Parksville Rd
SBL: 12.-1-9
Zone: AC #2012-0019

Glenn Smith appeared for this project. He explained that the applicant wants to put up a new gymnasium with a maximum size of 100 x 190 on the camp recreation field behind the main building and construct one 40 x 60 wood frame shul/study 200 feet south of the caretaker's house. It was determined that a 1 ¼ inch water line would be used for the bathrooms. If there was to be a stage set up in the gymnasium, they would need to have a sprinkler system. The Board also requires that they meet all setbacks, that some of the 8 x 8 sheds, though they don't need a building permit, still have to meet setbacks.

Charlie Barbuti reminded the Board that there is a current moratorium on any additional use of the municipal water system without prior approval by the Village. Attorney Garigliano said he didn't believe the project would create "additional" use.

Attorney Garigliano asked Glenn if the gymnasium size would change. Glenn said if anything it would be smaller, not larger.

Attorney Garigliano did SEQR.

ON A MOTION MADE BY JOHN VAN ETEN, SECONDED BY DENISE BIRMINGHAM, A NEGATIVE DECLARATION WAS DECLARED ON MERKOS L'INYONEI CHINUCH (CAMP GAN ISRAEL). ALL IN FAVOR. APPROVED.

This project will be scheduled for a public hearing on September 4th. It will also be sent to County Planning for 239 review.

Chairman Dowe said that he was sorry to see that Board member Ray Kelly was resigning and leaving the Planning Board and thanked him for his many years of good service and that it has been a pleasure to work with him on the Board. All the Board members, Town Attorney Garigliano and Secretary Nancy agreed and wished him well.

ON A MOTION BY JOHN VAN ETEN AND SECONDED BY DENISE BIRMINGHAM, THE MEETING WAS ADJOURNED AT 8:30 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 7, 2012 are not to be construed as the final official minutes until so approved. X Approved as read

e-file



ALL STATES*
ALL FORMS
ALL THE TIME



Craig E. Atkins, E.A.

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We Accept



August 2, 2012

Town of Liberty Planning Board
120 North Main Street
Liberty, NY 12754

Re: Special Use Permit Application Filed by Brian Thompson

Ladies and Gentlemen:

Thank you for all that you do! Having received your Public Hearing Notice, copy attached, I spoke with our Building Inspector and the business tenant involved. I did not yet have an opportunity to speak directly with the landlord, and filer of the permit application, Mr. Brian Thompson. As a business "neighbor" two doors down, I also visited the premises. It is my position that the powers that be should "allow (this business) to continue to function as a viable business". The "push" seems to be away from residential occupancy and toward commercial occupancy along what the local realtors lovingly call the "million dollar mile". The traffic of ingress and egress to this type of business is certainly not of the density of several other businesses operating along this corridor, nor do there appear to be any serious noise or other issues beyond a reasonable potential for correction that might draw public concern. This has been a particularly unkind year for local businesses along this corridor, as evidenced by the vacancy of more business locations than the occupancy of new ones. Unfortunately, I am unable to attend the scheduled Public Hearing in person. Please accept this into the record as my being in favor of approval. You have my permission to read this publicly at the hearing, publish it as need may arise, or use it in any other constructive manner you may deem necessary during the process. Again, thank you for all that you do!

Sincerely,

Craig E. Atkins, EA
Att:

