

**TOWN OF LIBERTY
PLANNING BOARD MINUTES
SEPTEMBER 3, 2013**

MEMBERS PRESENT

Lynn Dowe, Chairman
John Van Etten
Lydia Rolle
Denise Birmingham
Judy Siegel
Vincent McPhillips

ABSENT

Branden Reeves

ALSO PRESENT

Walter Garigliano, Town Attorney
See attached sign in sheet

CHAIRMAN LYNN DOWE CALLED THE MEETING TO ORDER AT 7:03 PM.

ON A MOTION MADE BY JOHN VAN ETTEN AND SECONDED BY JUDY SIEGEL, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR AUGUST 6, 2013 WITH TWO MINOR CHANGES. ALL IN FAVOR, APPROVED.

**Machne Gila
Special Use Permit
5335 State Route 55
SBL: 36.-1-13
Zone: R-1 #2013-0021**

25 hearing notices were sent, 14 green cards received, 2 returned and 9 outstanding.

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

No one is present from the public.

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

Abbott / Ward
Subdivision
Dahlia Road
SBL: 5.-1-45.8
Zone: RD #2013-0024

13 hearing notices were sent, 10 green cards received, 1 returned and 2 outstanding.

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

No one is present from the public.

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

Carol Fanning
Special Use Permit
Stanton Corners Road
SBL: 47.-2-3.1
Zone: DCC #2013-0025

21 hearing notices were sent, 10 green cards received, 1 returned and 10 outstanding.

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

No one is present from the public.

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

Machne Gila
Special Use Permit
5335 State Route 55
SBL: 36.-1-13
Zone: R-1 #2013-0021

Joel Rosenfeld and Randy Wasson appeared for this matter. Chairman Dowe advises the Board that the 239 review was received back from the County and it was determined that it is a matter for local determination. Mr. Wasson advises the Board that the site plan is basically the same as last month with a few minor changes. He advises that they added the

County Road entrance which is strictly for deliveries to the kitchen, a compactor and the approximate area where the busses load.

A brief discussion continued and the Board reviewed the updated site plan.

ON A MOTION BY JOHN VAN ETTEN, SECONDED BY JUDY SEIGEL, THE SPECIAL USE PERMIT FOR MACHNE GILA WAS APPROVED WITH THE CONDITION THAT THE APPLICANT OBTAIN THE PROPER PERMIT FOR THE CURB CUT ON COUNTY ROAD 15. ALL IN FAVOR, APPROVED.

**Abbott / Ward
Subdivision
Dahlia Road
SBL: 5.-1-45.8
Zone: RD #2013-0024**

Jeanne and Bruce Abbott appeared for this matter. Chairman Dowe advises the Board that the 239 review was received back from the County and it was determined that it is a matter for local determination. John Van Etten expresses concern about a driveway being installed on proposed lot # 2B. Chairman Dowe advises that it was also recommended by the County that the applicant obtain an access permit from the DOT. Mr. Abbott advises that they do not plan to build right away but will obtain the permit very soon. Attorney Garigliano advises that the Board should set a condition that the applicant must obtain a permit before the maps can be signed and filed.

ON A MOTION BY JOHN VAN ETTEN, SECONDED BY VINCE McPHILLIPS, THE SUBDIVISION FOR ABBOTT / WARD WAS APPROVED WITH THE CONDITION THAT THE PLANNING BOARD CHAIRMAN REVIEW THE CURB CUT ON COUNTY ROAD 146 BEFORE THE MAPS CAN BE SIGNED AND FILED. ALL IN FAVOR, APPROVED.

**Carol Fanning
Special Use Permit
Stanton Corners Road
SBL: 47.-2-3.1
Zone: DCC #2013-0025**

Ms. Fanning appeared for this matter. Chairman Dowe advises the Board that the 239 review was received back from the County and it was determined that it is a matter for local determination. Chairman Dowe advises the Board that there was a question last month about the location of the septic system on this parcel. A brief discussion continued and Ms. Fanning stated that the system is not located in the area of the proposed addition.

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

**Promise Ministries International c/o Peter Park
Special Use Permit
Scheibe Road (Town Road #17)
SBL: 25.-1-16.5
Zone: RD #2012-0015**

Randy Wasson, Engineer and Jacob Billig, Attorney appeared for this matter. Mr. Wasson explains that the water quality tests have been done and Glenn Smith has reviewed them. He explains that there was iron and arsenic found and they had to re-test the water. He advises that the wells pump much more water than they had expected. Mr. Wasson explains to the Board that they have done everything that the Board has requested and that they are now seeking approval for this project. He did explain to the Board that once the approval is granted that the applicant is still required to receive approval and permits from the NYS Department of Health along with the NYS DEC.

Attorney Garigliano explains that he prepared three proposed resolutions. The first one being a proposed Declaration of Significance under SEQR. The Board reviews the resolution.

ON A MOTION MADE BY VINCE McPHILLIPS, SECONDED BY JOHN VAN ETTEN, THE BOARD ADOPTS THE RESOLUTION FOR THE DETERMINATION OF NON-SIGNIFICANCE FOR THE PROMISE MINISTRIES INTERNATIONAL PROJECT. ALL IN FAVOR. APPROVED.

Attorney Garigliano advises that the next motion is to adopt the negative declaration.

ON A MOTION MADE BY JOHN VAN ETTEN, SECONDED BY VINCE McPHILLIPS, THE BOARD ADOPTS THE RESOLUTION FOR A NEGATIVE DECLARATION FOR THE PROMISE MINISTRIES INTERNATIONAL PROJECT. ALL IN FAVOR, APPROVED.

Attorney Garigliano advises that the last document he prepared was a proposed resolution granting site plan approval.

ON A MOTION MADE BY JOHN VAN ETTEN, SECONDED BY DENISE BIRMINGHAM, THE BOARD ADOPTS THE RESOLUTION GRANTING SITE PLAN APPROVAL FOR THE PROMISE MINISTRIES INTERNATIONAL PROJECT SUBJECT TO THE APPLICANT RECEIVING ALL REQUIRED PERMITS FROM THE

**NYS DEPARTMENT OF HEALTH AND THE NYS DEC. ALL IN FAVOR,
APPROVED.**

Lipsker Duchman Diamond Inc.
Special Use Permit
1405 Horseshoe Lake Road
SBL: 43.-1-18
Zone: RD #2013-0018

Maria Zeno of Perry Meltzer's office appeared for this matter. Ms. Zeno explains that the last time they were in front of the Board they discussed removing a foot off of the deck on unit 9 to meet the 20' setback requirement after that meeting the Engineer went back out and measured again and found that the distance is actually 19' 10" making the difference 2" as opposed to 12". Attorney Garigliano advises that he went through the revised plan and matched it up against the memo from Kelly Engineering and it is accurate. The changes described in the memo are correctly shown on the map.

A brief discussion continued and it is determined that this matter will be scheduled for a public hearing and sent to the County for 239 review. Attorney Garigliano advises that this matter is a Type II action and does not require SEQR.

Darrin Edelglass d/b/a Louis & Sons Auto
Special Use Permit
3319 State Route 52
SBL: 33.-5-13
Zone: SC #2013-0019

Darrin Edelglass appeared for this matter. CEO Van Etten advises the Board that Mr. Edelglass has started constructing an addition on the back of the garage in which he placed a stop work order and advised Mr. Edelglass that he also needs a Special Use Permit for the addition. Mr. Edelglass explains that the new addition would be for the storage of a piece of equipment. Mr. Edelglass explains that he has had the addition put on the plan. Chairman Dowe advises Mr. Edelglass that he can no longer park his vehicles along Route 52. Attorney Garigliano questions the customer parking and the used car parking that is shown on the plan.

A discussion continued regarding the customer parking and the sales lot and it was determined that Mr. Edelglass would go back to his Engineer and reconfigure the plan.

Ironic, LLC
Special Use Permit
Willi Hill Road (Town Road #86)
SBL 42-1-17.2
Zone: AC #2013-0027

Jacob Billig, Attorney and Randy Wasson, Engineer appeared for this matter. Mr. Wasson explains to the Board that this project received approval in 2009 to maintain a pre-existing junkyard. Mr. Wasson advises that the owners have complied with all of the requirements and that one of the requirements was to come back within 5 years and re-apply for site plan approval. Mr. Wasson explains that the applicant is not processing any cars but he wants to maintain his license to do so. Mr. Wasson advises that he has prepared a new site plan which he calls “the next step”. He explains that the owner still does not have any imminent desire to do any processing or work up there but he has refined what he wants to do and it is shown on the map. Mr. Wasson explains that the applicant has put a road base in which is shown on the plan along with the top soil piles, a proposed office trailer location and the relocated scrap piles which are the same size that he has now.

A brief discussion continued and it was determined that the Board members would set a time to go visit the site so the new members can see the layout.

ON A MOTION BY JOHN VAN ETTEN AND SECONDED BY JUDY SIEGEL, THE MEETING WAS ADJOURNED AT 7:54PM.

Respectfully submitted,

Tammy Wilson, Planning Board Secretary

The foregoing represents unapproved minutes of the Town of Liberty’s Planning Board from a meeting held on September 3, 2013 are not to be construed as the final official minutes until so approved.

 X Approved as read.