

**TOWN OF LIBERTY
PLANNING BOARD MINUTES
September 4, 2012**

MEMBERS PRESENT

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

ABSENT

Peter Stettner, Alternate

ALSO PRESENT

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

CHAIRMAN LYNN DOWE CALLED THE MEETING TO ORDER AT 7:15 PM.

ON MOTION MADE BY JOHN VAN ETTEN AND SECONDED BY DENISE BIRMINGHAM, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR AUGUST 7, 2012 WITH SEVERAL TYPOGRAPHICAL (“TYPOS”) CORRECTIONS. ALL IN FAVOR, APPROVED.

PUBLIC HEARING:

Merkos L’Inyonei Chinuch (Camp Gan Israel)

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

Nineteen hearing notices were sent, 15 green cards received 2 returned and 2 outstanding.

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

Glenn Smith appeared for this project and gave a short review stating that the applicant wanted to construct a new gymnasium with a maximum size of 100 x 190 on what is now the recreation field and a 40 x 60 wood frame shul/study 200 feet south of caretaker’s house.

Steve Melchick asked if they would be using the right-of-way/access road. It was explained that it would not be used. Nor would it be used during construction.

Mary Champlin asked if it would be visible from her property which is on Kurpil Road. After a short discussion and measurements taken, she concluded that they would not really see it then from her property.

Richard O'Hara asked if there were any deed restrictions, that he believed there were when he bought his property way back when. Glenn Smith said that the buildings needed to meet the Zoning regulations/code and that there were no height variances needed.

Lydia Rolle asked for verification that the orange line on the map was the property boundary. It was determined that it was the property boundary and it showed that the property is on both sides of the road.

Richard O'Hara asked about emergency and fire access. It was explained once again that the access road was for emergency/fire access and would not be used during the construction phase of this project; also that the property owner's rights are their rights.

Chairman Dowe asked if there were any further comments or questions from the public.

There was no response.

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

After a short review it was determined that the file was complete.

Mark Van Eten asked if the Village would be notified if they were going to have an occupancy of over 100 in the shul or if the gym was to have seating/bleachers, which would require sprinklers. It was reiterated that there would be no increase in population. It was determined that the applicant should see that the Building Department receives a "will serve letter" from the Village Water Department before a building permit is issued since it was village water they would be using.

ON MOTION MADE BY JOHN VAN ETEN, SECONDED BY VINCENT McPHILLIPS, THE SPECIAL USE PERMIT FOR MERKOS L'INYONEI CHINUCH (CAMP GAN ISRAEL) WAS APPROVED. ALL IN FAVOR. APPROVED.

Attorney Garigliano asked Supervisor Barbuti if there was any progress on the Waiver Resolution that has been before the Town Board. Supervisor Barbuti said it was still in process.

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

Pat Murtagh appeared for this project. After a short discussion with the review 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, it was determined that Mark Van Etten would leave the meeting and go to the Building Department to pull the permits issued on said project up to the present time. This project is tabled until Mark gets back with the permits.

Ben Weitsman & Son of Liberty, LLC
Special Use Permit
Sheehan Road
SBL: 13-1-7.1, 13-1-7.2, 18-1-31 & 18-1-36.2
Zone: R-1 #2011-0021

This project is being recessed to Thursday, September 6, 2012 at 5:30 p.m. for review.

Shelley Realty Corp.
Special Use Permit
Old Rt 17/Harris Road
SBL: 36.-1-114
Zone: SC 2012-0006

Allen Frischman appeared for this project. After a short discussion it was determined that a note shall be required on the final map stating that any lighting installed shall be the horizontal cutoff style and no other.

Attorney Garigliano read the SEQR.

ON A MOTION BY JOHN VAN ETEN, SECONDED BY DENISE BIRMINGHAM, A NEGATIVE DECLARATION WAS DECLARED ON THE SHELLY REALTY CORP. SPECIAL USE PERMIT. ALL IN FAVOR. APPROVED.

This project will be scheduled for a public hearing at the October meeting and send for 239 review with County Planning.

NEW BUSINESS:

Robert P Perez / Paul L Stoll
Lot Improvement
Budnick Road
SBL: 8.-1-8.11
Zone: AC #2012-0020

Michael Woods appeared for this project. After a short discussion it was determined that language will be placed in the deed that the two halves of the property being attached to each bordering lot will not be separately conveyed in the future. Attorney Garigliano is to provide Michael with the proper language.

ON A MOTION MADE BY VINCENT McPHILLIPS, SECONDED BY JOHN VAN ETEN, IT WAS DETERMINED THAT THIS IS A LOT IMPROVEMENT THAT MEETS THE EXCEPTIONS IN THE CODE. ALL IN FAVOR. APPROVED.

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

Mark Van Etten returned to the meeting and was asked what he found. After a short discussion it was determined that though the former applicant's builder had renewed the building permit, Mr. Murtagh should re-apply for a building permit enabling a clean-up of the project and to make sure all sizes were correct and to have the project on one single "new" permit.

It was also determined that this was a Type II project and required no SEQR.

This project will be scheduled for a public hearing on October 2nd and sent to County Planning for 239 review.

Green Acres Cottages
Special Use Permit
Rt 52 / Denman Road
SBL: 30.-1-90.3
Zone: SC 2012-0021

Allen Frischman appeared for this project. After a lengthy discussion it was determined that Allen is to have at least 10 feet between the proposed addition and the swimming pool enclosure. It should also be shown on the plan the locations of the electrical lines, the large/tall spruce trees, the fence surrounding the swimming pool with a five foot walkway around the swimming pool inside the fence. It was determined that all gates have been completed along the property allowing for better emergency/fire access. It was brought to Allen's attention that there was a note on the current plan

