

**TOWN OF LIBERTY  
PLANNING BOARD MINUTES  
September 6, 2012**

**MEMBERS PRESENT**

Lynn Dowe, Chairman  
John Van Etten  
Judy Siegel  
Lydia Rolle, Alternate

**ABSENT**

Peter Stettner, Alternate  
Denise Birmingham  
Vincent McPhillips  
Mark Van Etten, Building CEO

**ALSO PRESENT**

Walter F. Garigliano, Town Attorney  
Charles Barbuti, Supervisor  
See attached sign in sheet

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**CHAIRMAN LYNN DOWE CALLED THE MEETING TO ORDER AT 5:40 PM.** He then went on to state that the project being heard at this meeting was recessed to this date and that Nancy the Planning Board secretary noticed this special meeting in the local newspaper.

PLANNING BOARD MEMBER JOHN VAN ETEN RECUSED HIMSELF FROM THIS DISCUSSION AS HE OWNS A PROPERTY WITHIN 500 FEET OF THE APPLICANT PROJECT.

**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

Howard Rittberg and James Tofte appeared for this project. Howard started by thanking the Planning Board for scheduling this meeting. Attorney Garigliano said that according to Local Law that even though there could be no agreement with the Town Board as to the moving of the junkyard license until the Planning Board approved this project, there was no reason the applicant could not start negotiating the agreement as long as the Planning Board believes the project is pretty much in final form. At this meeting the Planning Board would listen and decide if another public hearing would be needed.

James went over the comments from the public at the public hearing which was held at the July 10<sup>th</sup> meeting, following the August 2, 2012 letter, a copy of which is attached to the end of these minutes.

Basically following the letter he stated that a traffic study was done on April 24, 2012 and there would be no significant change of service at Exit 99. He also mentioned that the asphalt plant was closer to the actual exit and there were no issues there. He then said that one of this applicant's issues was signage and that they hoped to get a blue sign from DOT when the proper time came as they need some visibility so that they can be found once they start operating. Jim stated that this project would have a positive impact on jobs in the Town of Liberty.

AS for noise, an investigation was done on the noise levels and it was found that the ambient noise from Sheehan Road to Parksville Road was 70 to 75 decibels. Highway 17/86 was 70 to 74. The Weitsman operation in Owego, NY was just 150 feet from a public park and fairground and there were never any issues of noise. The public here were much further than 150 feet from the proposed site; therefore the noise levels, which will meet Town requirements, should be no issue. He also mentioned that the site being located in the depression where it is and with all the natural trees around it should also help to disburse any sound. He also reminded everyone that there would be no shredder on this site. James also mentioned that Weitsman workers did not “drop” the cars and/or metal parts and pieces into the trucks, they were “placed” in the trucks continually lowering the possibility of excess noise.

In the matter of the junkyard license transfer, James reiterated for the Board that the Weitsman facility would occupy 4 acres which would be less than 75% of Zalkin, the Zalkin facility operated in a 6.5 acre area of his 17.1 acre parcel.

James then went on to answer individual comments, which were pretty much read from the letter attached. (see below)

After the conclusion of the August 2<sup>nd</sup> letter responses, Chairman Dowe said that he thought while the applicant began the formal agreement with the Town Board perhaps it could be overlapped to make sure that Zalkin cleans up and ends his junkyard completely. Attorney Garigliano asked Mr. Rittberg and James if the applicant would mitigate for off-site fencing as far as the Tim Edwards property/house, which from what could be seen had a minimum of three (3) children, a couple of women with strollers and a dog on or near the Town road. Mr. Rittberg and James both said they didn't see a problem with that but they would discuss it with the applicant. James said that the applicant was very community oriented and that where they were currently located, supported local baseball teams, etc.

Supervisor Barbuti and Town Engineer Glenn Smith were asked if they had any questions or comments, they both said no.

It was determined that as far as the 50 foot right of way for the bus/plow turn-around was concerned, it would have to meet Town standards. Supervisor Barbuti is to coordinate a meeting with James/ Mr. Rittberg and the Town Highway Department very soon so that the process can continue in a timely manner. Town attorney Ken Klein may also attend that meeting. Hopefully the meeting will take place in a couple weeks, possibly even a conference call. Attorney Garigliano said that if Ken Klein is unable to make this meeting or conference call, he would cover it.

At this point there are no new revisions to any submissions. Once the applicant's attorney and engineer meet with the Town Highway Department they should present the plans in final/final form after having checked the Town Engineer's recommendations. The road issue should be addressed, the well and septic should be shown, possibly as separate cut sheets. The Planning Board is aware that the well and septic will have to meet DOH requirements but likes to see these items on the plans.

SEQR will be discussed at the October 2<sup>nd</sup> meeting. The full EAF was delivered to the Planning Board in time for the July 10, 2012 public hearing and was signed and dated June 7, 2012 by the applicant's engineer, James

Tofte. At the upcoming October 2<sup>nd</sup> meeting it will be determined when the public hearing will be scheduled and when the 239 review can be expected.

**ON A MOTION MADE BY JUDY SIEGEL AND SECONDED BY LYDIA ROLLE, THE TOWN OF LIBERTY PLANNING BOARD DECLARED ITSELF LEAD AGENCY WITH REGARD TO THE BEN WEITSMAN & SON OF LIBERTY, LLC PROJECT. ALL IN FAVOR. APPROVED.**

Supervisor Barbuti said that he would see what he could do about getting the applicant and the Highway Department together for a meeting and/or conference call as soon as possible. The applicant and the Town Board can go ahead and start negotiating the relocation of a junkyard license agreement.

**ON A MOTION BY JUDY SIEGEL AND SECONDED BY LYDIA ROLLE, THE MEETING WAS ADJOURNED AT 6:45 PM. ALL IN FAVOR. APPROVED.**

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 September 6, 2012 are not to be construed as the final official minutes until so approved.

  x   Approved as read.



860 Hooper Road  
Endwell, NY 13760  
Tel: 607.231.6600  
Fax: 607.231.6650

Website: [www.deltaengineers.com](http://www.deltaengineers.com)

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August 3, 2012

Attn: Lynn Dowe, Chairman  
Town of Liberty Planning Board  
Town of Liberty  
120 North Main Street  
Liberty, NY 12754

RE: Ben Weitsman & Son of Liberty, LLC Site Plan Application Town of Liberty, Sullivan County, NY Delta Responses to Public Comments Complied in the Planning Board Minutes dated July 10, 2012 Delta Project No.: 2010.549.001

Dear Chairman Dowe:

The following are responses to public comments that were received at the July 10, 2012 meeting of the Town of Liberty Planning Board. Comments are listed by the person addressing the concern(s).

**Jeffrey Cohen:** (Written Comments)

*Addressed by corresponding number.*

1 Site Plan Application/SEQRA. The EAF shall be modified to address the existence of residential housing within ¼ mile of the site. It remains that the industrial use of the property is compatible with the IC Zoning and surrounding area including a soon to be Interstate Highway, an asphalt plant and mining operation, and a County highway.

2 A Traffic Impact Study has been performed by an experienced traffic engineer to examine the impact of the project in terms of Level of Service and other factors. Parameters for this study were identified by the New York State Department of Transportation (NYSDOT) and with industry technical standards. Comments from the County and the NYSDOT have not been received as of this response. Sheehan Road is a Town Road and Ben Weitsman and Son does not have jurisdiction of Town, County or State Roadways. Any comments received from the State, County, or Town, including mitigation measures, signage, and/or restrictions will be addressed upon receipt. The adjacent asphalt plant is located much closer to oncoming traffic than the Sheehan Road intersection. Vehicles approaching the Sheehan Road intersection are already required to come to a stop at the top of the ramp and this will not change. The 33 ft wide right of way discussed in Mr. Cohen's letter is granted to the land owner through the property deed to allow the said owner of this parcel, not the public, perpetual access from Sheehan Road. A road 24 ft in paved width is more than adequate to handle the traffic expected from this proposed development. Additional area outside of this 33 ft wide easement may be required for grading and construction, and is a private matter to be settled through agreement between the developer and the affected landowner.

3 Development of the project will generate jobs and tax revenue for the town. Projection of perceived collateral impact on regional job creation was not examined but is expected to be positive.

4 A noise investigation was performed at a similar site in operation by the developer and compared against ambient

noise levels which include highway noise on both sides, and an asphalt plant. The level of detail for the proposed site's study was requested by the Town and this information was provided. The study concluded that the expected noise generated from the facility will be within permissible levels and not be greater than ambient conditions. No additional studies were requested from the Town.

5 The matter of the Junkyard law and license transfer is being addressed by the Town. The proposed Weitsman and Son facility will occupy a footprint that is approximately 4 acres whereas the Zalkin facility operated in a 6.5 acre area of the 17.1 acre parcel. This information was provided to the Town in a letter dated April, 20, 2012. The letter included mapping and other supporting information. Cleanup and closure of the Zalkin operation will be completed to the satisfaction of the Town.

6 The matter of the transfer of the Zalkin property, license transfer, and site cleanup is presently being addressed by the buyer and the seller. The cleanup of the site will be completed to meet Town and NYSDEC requirements.

**Dan Ratner:**

We are in agreement with this comment. The former location of the Callanan Industries Asphalt Plant used Sheehan Road for its main site access and vehicles included 10 wheel dump trucks, tractor trailers, and asphalt oil tankers.

**Brad Burnet:**

Mr. Burnet represented a competing scrap business and indicated that there is no need for additional facilities in the area. Weitsman and Son plans to collect scrap from a geographic area centered around the Liberty, NY area. Additionally, Weitsman and Son is an experienced scrap recycler and has dedicated valuable resources in market analysis and development of new markets.

**John Nichols:**

No Response.

**Charlie Barbuti:**

No Response

**Tim Edwards:**

In the area of Mr. Edwards' residence, Sheehan Road is a public, Town of Liberty, road and is maintained by the Town Highway Department and is subject Town regulations and the Uniform Traffic Law. In addition to extending Sheehan Road an additional 250 ft within its limits, an additional 500 ft of private drive will be constructed. Along the 500 ft private drive, 20-25 customer vehicles can stack without backing up onto the Town Road. Additionally the facility has capability on site to accommodate backups and is equipped with two scales to allow less waiting time than other similar facilities.

**Howard Perez:**

No Response.

**Helen Rothstein:**

A fluid recovery operation will be secondarily contained in accordance with EPA and NYSDEC regulations. There will be no waste treatment or processing of recovered fluids. Recovered fluid will be regularly removed from site and recycled by licensed vendors. Stormwater runoff from the site will be monitored in accordance with NYSDEC Multi Sector General Permit. Operations will also include a Spill Containment, Control, and Countermeasures (SPCC) Plan. Both structural and non-structural best management practices will be utilized in accordance with government standards and industry guidelines to control runoff and its quality.

The operation and manner of storage and disposal will not impact the level of emergency services that would be required for the site. The site and buildings will be required to meet the NYS Building and Fire Code.

The prepared traffic study indicates that under best case business projections for the year 2014 traffic at peak hour will be 130 trips per hour (54 entering and 47 exiting).

Hours of operation are expected to be 7am to 6pm Monday through Friday, 7am to 2pm Saturday, and 8am to 1pm on Sundays.

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Site operations will include unloading, sorting, and reloading of materials for transport off site for shredding and recycling. Cutting and preparation will be limited to render salvaged materials to transportable size. Equipment similar to that used at other facilities will be utilized at this site including material handlers (grapplers), loaders, and forklifts. Noise generated from site operations will not exceed local permissible levels.

It is our opinion that our responses provided to comments expressed by the board and the concerned citizens of the Town of Liberty have been addressed to the best of ability at this time. If you should have any questions, please feel free to contact me at (607) 231-6656 or Jim Tofte, Project Engineer at (607) 352-1697.

Respectfully,

**DELTA ENGINEERS, ARCHITECTS, & LAND SURVEYORS, P.C.**



David A. Chase, P.E., LEED AP Project Manager

Cc: Howard Rittberg