

**TOWN OF LIBERTY  
PLANNING BOARD MINUTES  
September 7, 2010**

**MEMBERS PRESENT**

Diane S. Deutsch, Chairman  
Ray Kelly  
Lynn Dowe  
Dean Farrand  
John Van Etten  
Peter Stettner, Alternate  
Denise Birmingham, Alternate

**ABSENT**

**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 JOHN VAN ETTEN AND SECONDED BY DEAN FARRAND, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR AUGUST 3, 2010 WITH ONE CORRECTION.**

**PUBLIC HEARING:**

**Camp Talmud Torah Toldos Yakov Yosef**  
Special Use Permit  
248 Kelly Bridge Road  
SBL: 40.-1-5.3  
Zone: RD #2010-0016

Six notices sent, five green cards received. Chairman Deutsch asked if there was anyone from the public who wished to comment.

No one appeared.

**ON A MOTION MADE BY DEAN FARRAND AND SECONDED BY JOHN VAN ETTEN, THE PUBLIC HEARING WAS CLOSED. ALL IN FAVOR. APPROVED.**

**Adar Improvements / Swan Lake Paradise**

Special Use Permit

Mongaup Road – County Route 74

SBL 46-1-18

Zone: SC #2006-0029

Ninety-four notices sent, sixty-seven green cards received, five returned. Chairman Deutsch asked if there was anyone from the public who wished to comment.

Bryan Sims appeared. He expressed concern about the increase of traffic once the project would be completed as there seemed to be nothing spelled out concerning traffic.

Peggy Boxberger appeared. She expressed concerns about a film on their water all summer every year. When she asked someone about it, she was told that it was due to a chemical they used in the system because of the increased usage during the summer. She said it was practically undrinkable and after asking several people she determined that none of them can drink the water in the summer. She wanted to know how much worse the water was going to be if this project goes forward.

James Boxberger appeared. His concern was about the taxable status of the units, asking if they would be taxable in perpetuity.

**ON A MOTION MADE BY LYNN DOWE AND SECONDED BY JOHN VAN ETEN, THE PUBLIC HEARING WAS CLOSED. ALL IN FAVOR. APPROVED.**

**William Bowers / Bakim Hajrija Redzematovic**

Special Use Permit

22 Cooley Road

SBL: 7.-3-3

Zone: SC #2010-0018

Seventeen notices sent, twelve green cards received. Chairman Deutsch asked if there was anyone from the public who wished to comment.

No one appeared.

**ON A MOTION MADE BY DEAN FARRAND AND SECONDED BY JOHN VAN ETEN, THE PUBLIC HEARING WAS CLOSED. ALL IN FAVOR. APPROVED.**

**Camp Talmud Torah Toldos Yakov Yosef**

Special Use Permit  
248 Kelly Bridge Road  
SBL: 40.-1-5.3  
Zone: RD #2010-0016

Randy Wasson appeared for this project. After a short discussion wherein it was determined that the changes were done according to the Board's requirements and that the file was complete.

**ON A MOTION MADE BY JOHN VAN ETTEN AND SECONDED BY RAY KELLY, APPROVAL OF THE SPECIAL USE PERMIT FOR CAMP TALMUD TORAH TOLDOS YAKOV YOSEF WAS GRANTED. ALL IN FAVOR. APPROVED.**

**Adar Improvements / Swan Lake Paradise**

Special Use Permit  
Mongaup Road – County Route 74  
SBL 46-1-18  
Zone: SC #2006-0029

Mike Reilly of Rettew Engineering and Yehuda Feig appeared for this project. Once the plan was displayed, it was determined that it was the same as was approved on August 14, 2007 and reapproved on August 4, 2009 "EXCEPT" for the addition of a swimming pool. Questions were raised about the distance of the units to the internal roadway. After a short discussion, it was determined that originally the Board had asked them to be pulled back to the shorter distance. The units scale at 10 feet which is a requirement that was agreed on. It was determined that this project should be resubmitted showing the following:

The swimming pool placed correctly, updated locations for buildings and shul dimensions, copies of the original documents and correspondence concerning the traffic, a letter from the Water Department concerning the quality issue and an updated letter from the Water Department concerning water and sewer capacity encompassing all the units, a color photo of the proposed house as the original project submission did and a note on the maps that the units shall be single story units "not" two-story.

Dean Farrand asked the Boxbergers when this oily film appeared and they said that it was from late June to mid-September each year. When asked who the "someone" was they spoke to they said the Water Department. It was determined that the Board would like to see a letter from the Water Department as to whether there is adequate water for the project. Chairman Deutsch said, "but not for the pool".

As regard to the traffic, Mike Reilly said that they had not done a traffic study. Yehouda Feig said that it wouldn't be so much driving as it would be mostly walking. The people living in the units would be walking to the local stores for shopping. He said he lives up here all summer and that his wife doesn't shop. He believed the traffic would be mostly weekends.

Attorney Garigliano said there was now a problem with the hearing notice as written, since it was believed that the public hearing was to be for re-approval at the time it was sent, but now Rettew has added a pool to the drawing. There will have to be another public hearing once a new map showing the swimming pool correctly in place. After the re-submission of the project with all requirements as listed above, it will be sent to County Planning.

Dean Farrand stated for the record that the Planning Board does not control tax issues.

**William Bowers / Bakim Hajrija Redzematovic**

Special Use Permit  
22 Cooley Road  
SBL: 7.-3-3  
Zone: SC #2010-0018

William Bowers appeared for this project. After a short review, Attorney Garigliano stated that this was clearly a Type II action and therefore did not require SEQR. It was determined that the project file was complete.

**ON A MOTION MADE BY LYNN DOWE AND SECONDED BY JOHN VAN ETEN, APPROVAL OF THE SPECIAL USE PERMIT FOR BAKIM HAJRIJA REDZEMATOVIC WAS GRANTED. ALL IN FAVOR. APPROVED.**

**OLD BUSINESS:**

**Eva Schwimmer**  
Special Use Permit  
245 Ferndale Loomis Road  
Unit # 49  
SBL: 41.-1-9.8  
Zone: RD #2010-0019

Randy Wasson appeared for this project. The applicants had built a deck and addition without building permits. Randy said that the footings were three feet, not four feet as required. The 13 x 16 was now 10 x 10. He said whatever they did, they would do to satisfy Mark the CEO. After a short discussion it was determined that the Board should issue a denial and this project should be sent to the ZBA.

**ON A MOTION MADE BY JOHN VAN ETEN AND SECONDED BY DEAN FARRAND THE BOARD ISSUED A DENIAL FOR THE SPECIAL USE PERMIT OF EVA SCHWIMMER DUE TO THE**

**PROXIMITY OF THE BAY WINDOW / PORCH TO ROAD WHICH VIOLATES THE 25 FOOT DISTANCE ACCORDING TO CODE. ALL IN FAVOR. APPROVED.**

Randy asked if they would have to re-apply once they passed the ZBA. He was told that he could resuscitate this project application, provided he got a variance.

**T-Mobile Northeast, LLC f/k/a Omnipoint Communication, Inc**

Special Use Permit  
6986 State Route 17  
SBL: 7.-1-3  
Zone: SC #2009-0011

A short discussion was held concerning the maps "as built" and "approved". It was determined that the Board had no issues and that the CEO could proceed as he wishes.

**New Cingular Wireless PCS, LLC (AT&T)**

Site Plan Review  
6986 State Route 17  
SBL: 7.0103  
Zone: SC # 2010-0021

Anthony Morando of Cuddy, Feder appeared for this project. They came before the Board because the CEO issued a building permit and now it was determined that they should have first come before the Planning Board. They have entered into a contract to co-locate on the tower that was approved for T-Mobile before this Board in October of 2009. They plan on installing an 11 x 20 equipment shelter which would be accessed once per month. They have leased a 12 x 25 are for this shelter from the landowner. After a short discussion it was determined that it shall be scheduled for a public hearing and sent for 239 review with County Planning. The public hearing will be held on September 21<sup>st</sup>. The Board also requests a landscape plan to be added to the drawings submitted.

Attorney Garigliano did the SEQR.

**ON A MOTION MADE BY JOHN VAN ETEN AND SECONDED BY DEAN FARRAND, A NEGATIVE DECLARATION WAS DECLARED ON THIS PROJECT. ALL IN FAVOR. APPROVED.**

**Davidowitz**

Special Use Permit  
245 Ferndale Loomis Road  
Unit # 35  
SBL: 41.-1-9.8  
Zone: RD 2010-022

No one appeared for this project.

**Ronald Mole**  
Special Use Permit  
3248 State Route 55  
SBL: 34.-1-6  
Zone: SC #2010-0020

Felix Gula appeared for this project. After a short discussion it was determined that the small map shown on the larger plans entitled "survey map" should be removed because it is not a survey map. The Board requested that Mr. Gula put a note on the plans that state "in addition to changing the addition on main building, a 12 x 16 shed will be located in the north west area of the property. In no event shall the shed be closer than 10 feet to any property line".

It was determined that this is a type II action, therefore, no SEQR is required. This project is to be scheduled for a public hearing on September 21<sup>st</sup> and is to be sent to County Planning for 239 review once corrected plans are submitted.

**ON A MOTION BY JOHN VAN ETEN AND SECONDED BY DEAN FARRAND, THE MEETING WAS ADJOURNED AT 9:00 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 September 7, 2010 are not to be construed as the final official minutes until so approved.   X   Approved as read