

**TOWN OF LIBERTY
PLANNING BOARD MINUTES
October 4, 2011**

MEMBERS PRESENT

Diane S. Deutsch, Chairman
Lynn Dowe
Ray Kelly
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

CHAIRMAN DIANE S DEUTSCH CALLED THE MEETING TO ORDER AT 7:00 PM.

ON MOTION MADE BY JOHN VAN ETEN AND SECONDED BY DEAN FARRAND, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR SEPTEMBER 6, 2011 WITH THE CHANGES SUGGESTED BY JOHN VAN ETEN. ALL IN FAVOR APPROVED.

PUBLIC HEARING:

Shelley Realty Corp. / Allen Frishman
Special Use Permit
Station Hill Road
SBL: 36.-1-114/117
Zone: SC / IC #2011-0013

Twenty hearing notices were sent, 17 green cards received, 1 notice was returned and 2 are outstanding. Chairman Deutsch reported that the 239 review letter was received from County Planning stating that this project was suited for local determination. She then asked if there was anyone from the public who had any questions or comments. There was no response from the public.

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

Yeshiva Letzirim Inc.
Special Use Permit
85 Ferndale Loomis Road
SBL: 35.-2-18.1 & 18.2
Zone: RD #2011-0014

Seven hearing notices were sent, 5 green cards received, 1 notices were returned and 1 is outstanding. Chairman Deutsch asked if there was anyone from the public who had any questions or comments. There was no response from the public.

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

Talmud Todos Yakov Yosef

Special Use Permit
248 Kelly Bridge Road
SBL: 40.-1-5.3
Zone: RD #2011-0016

Seven hearing notices were sent, 5 green cards received, and 2 are outstanding. Chairman Deutsch asked if there was anyone from the public who had any questions or comments. There was no response from the public.

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

Shelley Realty Corp. / Allen Frishman

Special Use Permit
Station Hill Road
SBL: 36.-1-114/117
Zone: SC / IC #2011-0013

Mitchell Blank appeared for this project. It was determined that this project is a Type II action and no SEQR was needed and that the file was complete.

ON A MOTION MADE BY JOHN VAN ETTEN, AND SECONDED BY DEAN FARRAND, THE SPECIAL USE PERMIT FOR SHELLEY REALTY CORP. WAS APPROVED. ALL IN FAVOR. APPROVED.

Yeshiva Letzirim Inc.

Special Use Permit
85 Ferndale Loomis Road
SBL: 35.-2-18.1 & 18.2
Zone: RD #2011-0014

Chris Brunjes of Adler Engineering appeared for this project. He started to explain about the staff housing they propose and was reminded by the Board that tonight was just about the moving of the swimming pool to higher ground, therefore requiring a lower fence to surround it and making it more central. After a short discussion, the Board agreed to vote on the swimming pool issue. A list of requirements for Summer Camps was given to Mr. Brunjes for their reference in re-doing the plan for the staff housing.

ON A MOTION MADE BY JOHN VAN ETEN, AND SECONDED BY LYNN DOWE, THE SPECIAL USE PERMIT FOR THE MOVING OF THE SWIMMING POOL ONLY FOR YESHIVA LETZIRIM INC. WAS APPROVED. ALL IN FAVOR. APPROVED.

Talmud Todos Yakov Yosef
Special Use Permit
248 Kelly Bridge Road
SBL: 40.-1-5.3
Zone: RD #2011-0016

Randy Wasson appeared for this project. After some clarification discussion on the map, it was determined that the file is complete.

ON A MOTION MADE BY JOHN VAN ETEN, AND SECONDED BY DEAN FARRAND, THE SPECIAL USE PERMIT FOR TALMUD TODOS YAKOV YOSEF TO PUT A 12 X 30 DECK ON BUILDING B-8 ALONG WITH THE OTHER CHANGES WHICH INCLUDE: CONSTRUCT 30 X 148 BUNK (PREVIOUSLY APPROVED AS 30 X 136) REMOVING B6 & B-7; CHANGE THE SIZE TO 60 X 100 FOR THE MIKVAH (PREVIOUSLY APPROVED AS 60 X 60) AND CONSTRUCT 32 X36 ADDITION TO EXISTING B-4 WAS APPROVED. ALL IN FAVOR. APPROVED.

OLD BUSINESS:

Lake Marie Homes
Subdivision
Lake Marie Road / NYS Route 52
SBL 35-2-7
Zone: RD / SC #2006-0039

No one appeared for this project. After a short discussion it was determined that the Board will be sending a letter to the applicant with regard to meeting the current zoning requirements.

NEW BUSINESS:

Camp Gan Israel
Merkos L'Inyonei Chinuch
Special Use Permit
Old Route 17
SBL: 12.-1-9
Zone: AC #2011-0017

Glenn Smith appeared for this project. Ray Kelly recused himself from this discussion due to the fact he owns an adjoining parcel. Glenn Smith explained that the applicant wants to place a baseball field at the rear westerly side of the parcel for use by the boys during their summer camp season. Access to the ball-field area will be by an existing shale and gravel drive that runs through the camp property from the main camp to the rear fields. After a short discussion it

was determined that the barn located across the road should be either secured or removed before a final decision on the baseball field is rendered by the Board.

Attorney Garigliano did the SEQR.

ON A MOTION MADE BY JOHN VAN ETTEN, SECONDED BY DEAN FARRAND A NEGATIVE DECLARATION WAS DECLARED. ALL IN FAVOR. APPROVED.

It was determined that this project should be sent for 239 review and a public hearing scheduled for the November 1st Planning Board meeting. The issue of bathroom facilities was discussed and it was determined that some type of facility should be shown. It was also clarified that there would be no electricity, therefore no lighting at the baseball field.

Rivka Traube Tyberg
Special Use Permit
38 Stanton Corner Rd
SBL: 47.-5-9
Zone: DCC #2011-0018

No one is present for this project. Mark Van Etten said that he was speaking to the applicant and they are running late, but would be at the meeting.

R.J. Baker
Information Only
36 Main Street
SBL: 7.-8-7
Zone: SC

Wes Illing appeared for this project. He explained that the applicant wanted to use his property at 36 Main Street, Parkville for a theater group creating short films, have a small stage, equipment and tools for the construction of stage sets, areas for oil paintings/backdrops, film equipment, a common kitchen and eating area, bathrooms upstairs and down and sleeping quarters for the staff. The film company envisions sending 5-10 people up to Parkville for 3-10 days at a time to create short films, documentaries, etc. The existing business space is 12,000 sq. ft. He said because of that size and the fact that the SC code's maximum is 5,000 sq ft, he realized he may have to get an area variance. He said before he had the applicant go further he wanted to know if the Board was comfortable with the proposition. Dean Farrand said the Board would have no significant measure to keep track of what was occurring there in the building, for instance if it was sold at some point in the future as an apartment building. Mark Van Etten said that it would not be listed as an apartment, but as manufacturing. Attorney Garigliano said that the new district code of SC allowed for "no heads on pillows". It was also determined that the Planning Board could not make the decision to alter the District Zoning Code. It was suggested that he go before the Town Board or alternatively, the Zoning Board. After further discussion, he said then perhaps he should go before the Town Board.

George Fulton
Kuplen Properties, LLC
Tanzman Lake
Information only

George Fulton appeared for this project. He said he'd spoken with the Town Attorney, Walter Garigliano and it was suggested he come before the Board to see about doing a lot improvement. He presented the survey which showed the original approved lots and the proposed lot improvement. After a short discussion the Board found the new survey acceptable.

ON A MOTION BY DEAN FARRAND, SECONDED BY JOHN VAN ETEN, THE LOT IMPROVEMENT FOR KUPLEN PROPERTIES, LLC WAS APPROVED. ALL IN FAVOR, APPROVED.

Resolution
Board discussion

After a short discussion, it was determined that Attorney Garigliano would revise the Resolution according to the Board's wishes lowering 2,500 sq ft to 750 sq ft and making certain that the phrase "by a super majority vote" was included in the Resolution. The Resolution would then be forwarded to the Town Board.

Yeshiva Letzirim Inc.
Special Use Permit
85 Ferndale Loomis Road
SBL: 35.-2-18.1 & 18.2
Zone: RD #2011-0014

Sam Mehring representing Yeshiva Letzirim was still at the meeting and asked if he could ask the Board a question. He wanted to know why the Board did not address the building of the staff quarters earlier at tonight's meeting. It was explained that tonight was for the public hearing on the swimming pool issue, as the Board bifurcated the project for that and the staff housing. It was also explained that the plan submitted by Bill Sattler did not show the interior of the proposed staff housing as requested by the Board at September's meeting. Sam said he understood now and would speak with his engineer.

Rivka Traube Tyberg
Special Use Permit
38 Stanton Corner Rd
SBL: 47.-5-9
Zone: DCC #2011-0018

Rivka Traube Tyberg appeared for this project. She said that in the past there was an apartment upstairs over the supermarket which they rented out to local people and had bad experiences. She wanted to rent it out again and wanted to know why she could not do so

now. It was explained that the upstairs had no one living in it since 2004 when the commercial renovations were done and firewalls were not installed at that time. She said she did not have enough money at that time to install them and that now only the owner of the business could live upstairs as a Special Use according to the DCC District Code. She was advised that she could go to the Town Board to see if they would make any change to allow some type of apartment. She was given the Town Clerk's name and telephone number and advised that the Town Board held their meetings on the first and third Monday's of each month.

ON A MOTION BY LYNN DOWE AND SECONDED BY DEAN FARRAND, 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 October 4, 2011 are not to be construed as the final official minutes until so approved.

 X Approved as read