

**TOWN OF LIBERTY
PLANNING BOARD MINUTES
October 5, 2010**

MEMBERS PRESENT

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

ABSENT

Ray Kelly
Mark Van Etten, Building CEO

ALSO PRESENT

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

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

ON MOTION MADE BY JOHN VAN ETTEN AND SECONDED BY DEAN FARRAND, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR SEPTEMBER 7, 2010 WITH CORRECTIONS.

ON MOTION MADE BY JOHN VAN ETTEN AND SECONDED BY DEAN FARRAND, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR SEPTEMBER 21, 2010.

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

Jack Tompkins appeared for this project. After much discussion Jack explained that they would not be attempting to build the angled deck facing the "Ped Path", one reason being the neighbors disapprove of it. The 8 x 8 deck on the side the Board was fine with. Jack explained that the entire existing deck on the back of the building would be removed and an addition consisting of a room and an 8 x 14 deck would be built. This entire addition which includes room and deck would be 14 x 21'3". The Board asked that a note be placed on the map stating that the only building that was accurate was building # 35 and that building #35 be shown on it's own separate 8 ½ x 11 sheet of paper. Jack said he would go back to Bill Sattler and have him make the corrections.

Council of Missionary Churches of Christ, Inc.

Special Use Permit
113 Breezy Hill Road
SBL: 5.-1-6.1
Zone: RD #2010-0023

Reverend Cesar Martinez appeared for this project. He explained that they were in the process of putting in a cement basketball court which was to be 41 x 61 feet, 4 inches deep when Code Enforcement Office, Mark Van Etten stopped the work and sent him before the Planning Board. He said his work was about 70% done and showed the Board photos of the project in progress. Member Lynn Dowe said that the applicant should ask Mark for permission to at least get the expansion joints cut into the cement very soon before it freezes and cracks in multiple directions. A discussion was held concerning fencing and it was determined that the applicant could use the same fencing that exists and make it higher to protect the roadway, doing so on the road side of the area in question. Attorney Garigliano said that this appeared to be a Type II action and did not require SEQR and being on a Town road, did not require 239 review. Dean Farrand spoke up and said he did not believe that this should proceed because it was a structure and should not be allowed. After a discussion on the definition of "structure" in the code, it was determined that that definition was vague and should be addressed to be made more clear. Further discussion was held concerning whether or not to proceed with this project before the Planning Board or send it to the ZBA. Lynn Dowe said he did not believe it was a structure. John Van Etten said he did not agree with the definition. Denise Birmingham and Peter Stettner said they didn't believe it was a structure. The applicant was asked if they planned on playing basketball at night and if so they would require lighting. The applicant said they "in no way" planned on using the court at night. The subject of topography was discussed. Attorney Garigliano suggested perhaps a letter of waiver would be the way to go. Chairman Deutsch polled the Board members asking them if they thought they should proceed with this project or send it to the ZBA. Dean Farrand is against proceeding and wishes to send it to the ZBA, Peter Stettner said "go ahead", John Van Etten said "go ahead", Lynn Dowe said "go ahead" and do a waiver on the topography, Denise Birmingham said "go ahead". Attorney Garigliano explained to the applicant that he should check with Nancy and go over the list of what the Board requires and do a letter to the Board asking for a waiver and state the reason he is asking for the waiver. The applicant is also to contact Mark about the expansion joints. A public hearing is scheduled for November 2, 2010.

Phyllis Cassino
2 lot Subdivision
193 Old Monticello Road
SBL: 37.-1-4.1
Zone: RD #2010-0024

Anthony Siciliano appeared for this project. The Board had allowed Anthony to survey only the front portion of the property after he wrote a short letter requesting a waiver. Attorney Garigliano said he checked and it appeared that all the points were correct and Anthony met

the requirements the Board had requested. A short discussion was held regarding the location of the wetlands with the result being there are no additional wetlands other than the one depicted on the survey map. Attorney Garigliano did the SEQR.

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

A public hearing is to be scheduled for November 2, 2010. Attorney Garigliano will bring a proposed approval resolution which includes the issue of the waiver of surveying the entire parcel to the next meeting.

ON A MOTION BY JOHN VAN ETEN AND SECONDED BY DEAN FARRAND, THE MEETING WAS ADJOURNED AT 8:25 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 5, 2010 are not to be construed as the final official minutes until so approved.

Approved as read