

**TOWN OF LIBERTY  
PLANNING BOARD MINUTES  
October 6, 2009**

**MEMBERS PRESENT**

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

**ABSENT**

Denise Birmingham, Alternate

**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 7:03 PM.**

**ON MOTION MADE BY DEAN FARRAND AND SECONDED BY JOHN VAN ETTEN, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR AUGUST 18, 2009.**

**ON MOTION MADE BY LYNN DOWE AND SECONDED BY RAY KELLY, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR SEPTEMBER 1, 2009.**

**T-Mobile Northeast, LLC f/k/a Omnipoint Communication, Inc**  
Special Use Permit  
6986 State Route 17  
SBL: 7.-1-3  
Zone: SC

Jeffrey Davis of Hiscock & Barclay in Syracuse appeared for this project. Town Attorney Garigliano read the SEQR and the Visual EAF. He told the Board members that the Town Planner, Tom Shepstone, recommended a negative declaration.

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

Chairman Deutsch stated that the Board received the 239 review from County Planning and that they recommended approval and deferred to the comments and recommendations made by the Town Planner, Tom Shepstone.

## **PUBLIC HEARING:**

**T-Mobile Northeast, LLC f/k/a Omnipoint Communication, Inc**  
Special Use Permit  
6986 State Route 17  
SBL: 7.-1-3  
Zone: SC

42 public hearing notices were sent out, 27 green cards were received, one was returned and 13 were still outstanding.

Jeffrey Davis of Hiscock & Barclay in Syracuse appeared for this project. Chairman Deutsch asked if there were any members from the public with questions or comments. Yvonne Huggair asked if the tower would affect the television reception in the area. Jeffrey Davis said no that it was two totally different areas of radio frequency spectrum and will have no impact on cable TV or satellite TV or anything like that. They are on a two different diverging areas of the spectrum. Each wireless carrier has to operate only in a small area and within that area they will not interfere with anybody else that has a license to operate like satellite television does.

Chairman Deutsch asked if there were any other questions or comments from the public. No one else appeared.

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

Jeffrey Davis: Since the last time we were here I actually have a revised site plan for you. With very minor revisions. The revision is that we changed the name to correctly identify T-Mobile Northeast, LLC and also as a result of conversations with this Board and the Town consultant and his recommendations from his consultant review, we've just identified it's no longer a monopole, we put some branching on it and identified it as a Monopine which was one of the conditions from the consultant review. So it would look and be designed as like the photo-simulations that we provided to the Board at the previous meeting, one of our previous meetings. So just to go back a little bit, I can certainly answer any more questions that the Board may have, but I think we were here in April, June, September and during that time we'd done the balloon fly, the Town consultant has looked at the project and said it was a very thorough application, addressed all the major issues for the Town's own regulations. He had some minor comments on providing, if the Board were to issue an approval, to condition upon providing certain information on removal TAPE UNCLEAR I do have an estimate here and did send it to the Town Clerk prior for a removal estimate of about \$15,000.00 to remove the facility should it ever need to come down. And another major issue that your consultant commented on was really the design, it being a Monopine because based upon the visual resources, the packet that we submitted to the Board and went through extensively in June, that that blended in best with the existing tree top, hillside if you will, behind the diner. So that is the change. In September when we were here we just, again went over the existing project. Otherwise nothing else has changed from a site plan perspective. We do need a site plan review or approval on a special use permit. I did prepare comments for those and I do have a copy of the revised site plan, if you will, that just shows the correct name and like I said this is the only change

shown, that it has branches on it. I have one for everybody if you like or I have one for just the clerk and maybe the code officer.

Attorney Garigliano: What's the date on the latest revision to the site plan.

Jeffrey Davis: The date is September 8, 2009.

Chairman Deutsch: So those were the only changes you made on this?

Jeffrey Davis: Yep. The only change at all is as we talked about when the application was submitted it was submitted under the name of Omnipoint Communications doing business as T-Mobile. They went through a corporate name change structure so that they are now known as T-Mobile Northeast, LLC and we just wanted to make sure that you had the correct copy with that on it as well as the Monopole with the antennae and we added the branching on it so obviously the intent to be that the design ultimately look like and the consultant suggested we provide a branching plan and what-not from a manufacturing company that designs these. It's still known as a Monopole.

Chairman Deutsch: Because here you have pine.

Jeffrey Davis: Right, that's why they put it in quotes. It's still technically a pole. Yeah, it's a Monopole design but designed to look like a Monopine. That's what they refer to it as in the industry.

Lynn Dowe: With the Monopine, are cables necessary?

Jeffrey Davis: There's no cable at all.

Attorney Garigliano: It's inside the pole.

Jeffrey Davis: No support cables.

Lynn Dowe: Support cable is what I'm talking about because there's more wind resistance now.

Jeffrey Davis: It requires engineering structurally-wise that the pole and the foundation and everything be designed to support extra wind load as a result of branching. But the only cabling is for the antennae and that still remains inside the existing pole that comes to the ground.

Chairman Deutsch: Anybody else?

Lynn Dowe: No, it looks good to me.

Attorney Garigliano: I have a proposed resolution which would both approve the site plan and authorize issuance of a special permit for the project. The operative recitals basically reflect the procedure which has happened. The proposed resolution would approve the application for the site plan and the Special Use Permit and authorize the issuance of a Special Use Permit. The only thing I would recommend that we do is have someone on behalf of the Town just look at and approve the amount of the removal bond, which I know you've given us an estimate of \$15,000.00. That's no in line with what our number has been on other projects, so, and maybe those are cabled or guyed or more complicated, but subject to that the resolution would propose to approve the application but prior to issuing a Building Permit require the submission of a geo-technical study of soil conditions and that we would resolve finally the letter of credit. It would be posted with the Town Clerk. Instead of including an amount of \$15,000.00, I'd like to include in an amount to be approved by the Town Attorney, if that works for you, which is Ken Klein. And we require in accordance with our Code, the owner to negotiate in good faith for shared use so we have a few of these as can be possible and then in accordance with the recommendation of the Town's Planning consultant that the Monopole be a stealth be a stealth Monopine as depicted in their photo-simulations and I have picked up the last date of the site plan being September 8, 2009. So that would be the proposed resolution. I don't have copies to circulate to everyone.

Chairman Deutsch: Were those violations cleared, the garbage and everything.

Mark Van Etten: I believe it was, yes.

Jeffrey Davis: Yes.

Chairman Deutsch: Okay, do we have a motion?

**ON MOTION BY JOHN VAN ETTEN AND SECONDED BY DEAN FARRAND, APPROVAL OF THE RESOLUTION WAS GRANTED TO T-MOBILE NORTHEAST, LLC f/k/a OMNIPOINT COMMUNICATION, INC. ALL IN FAVOR. APPROVED.**

A copy of the resolution will need to be provided for the Planning Board file.

**OLD BUSINESS:**

**IroniC, LLC**  
Special Use Permit  
Application for Renewal of License  
Willi Hill Road (Town Road #86)  
SBL 42-1-17.2  
Zone: AC #2006-0059

Attorney Garigliano: I have prepared since the last meeting in accordance with the Board's request a pair of proposed resolutions which have been circulated probably as recently as today by e-mail and I have been continuing to make sure that they're factually correct with respect to the record and I have found in each a discrepancy which I would like to change. On the SEQR resolution, on the SEQR determination, the Management Plan over time changed where we instead of having the facility open by appointment, that there were hours of operation established, which were 8:00 am to 5:00 pm.

Chairman Deutsch: One thing I noticed though that there were no days mentioned with the hours, not seven days a week.

Attorney Garigliano: I think what we should do there to avoid any confusion because the Management Plan over time changed and the Management Plan we're relying on is the one that Nancy received in February of 2009. I think we should say that the facility will only be open in accordance with the hours permitted by the Management Plan and not try to put it in here because otherwise we're going to be regurgitating pages of information if that works.

Jacob Billig: Just for the record, it does say at the end the last line, the proposed facility between the hours of 8:00 am and 5:00 pm from Monday through Friday and 8:00 am to 1:00 pm on Saturday. This facility will be closed on Sundays and the six major holidays, New years Day, um I do remember at some point...

Attorney Garigliano: I don't think we need all that.

Jacob Billig: But it's in there.

Attorney Garigliano: So what I'm suggesting is that we change this to say it will be open for the hours and on the days as provided in the Management Plan.

Chairman Deutsch: Dated February...

Attorney Garigliano: Well we've already defined the management Plan earlier in the resolution. And on the SEQR resolution, Nancy, the date of the Management Plan, you have that now as being what?

Nancy: I don't have a date on it. I just know I received it on February.

Attorney Garigliano: We're going to write a date in it and we're going to memorialize which one it is because there were a number of them over time. If you can give me the date you received it, we'll use that date.

Nancy: Hang on.

Attorney Garigliano: February, 2009 is good enough.

Nancy: February 9, 2009 is when I received it with a letter from Jacob.

Attorney Garigliano: Okay, that's the only thing on a SEQR resolution. I don't know if everybody looked at it electronically or not.

Board Members: (some said no, some said yes)

Attorney Garigliano: Whatever time you need to take. What the SEQR resolution does, all of the operative recitals in the SEQR resolution simply track the information provided by Nancy as the procedural track of the application.

SEVERAL MINUTES GO BY AS THE BOARD MEMBERS REVIEW RESOLUTIONS.

Chairman Deutsch: Anybody have any comments?

Attorney Garigliano: There are two places where the hours of operation appear, one is in paragraph one in the next to last paragraph of the response and the other is at the Finding posed after paragraph nine (9). So the proposed SEQR resolution would adopt a negative declaration of significance for the project.

Chairman Deutsch: Anybody, comments? Concerns?

Attorney Garigliano: Ray, I see you marking. Any changes?

Ray Kelly: No, just writing the changes in.

Chairman Deutsch: Everybody good with it, with those changes?

**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.**

Attorney Garigliano: I also prepared a resolution tracking the same procedural process. It tracks the same procedural process, it references the fact that it doesn't trigger any 239 review criteria and it references the negative declaration, which you just adopted and in my discussions with members of the Planning Board about the resolution, let's go through each of the conditions, which are probably the most important aspect of the resolution. It's a conditional approval subject to complying with six (6) conditions. The first is the future junkyard operations comply with requirements of Chapter 93 which of course with or without us saying it, they must because it's the Law of the Town of Liberty. The application and the applicant agreed that they would be strictly limited to the areas used historically for junkyard purposes on the property which was the intent of Chapter 93. There is provision in Chapter 93 for the three junkyards that were presently operating in the Town at the time of it's adoption to expand, but that's not what this application indicated. It indicated in the original application that it would be used in the same locations as currently and historically utilized. That the operations there would be limited to the historical operations, the purchasing and storage of junk motor vehicles and the purchasing, processing and resale of scrap metal. Again that comes right from the application which was submitted on behalf of Ironic. We're including in here the Management Plan and I'd like to just change in D., I'd like to just include a reference to dated February 9, 2009. As you know, one of the conditions we contemplated for the approval was the water quality testing at intervals of not less than once every two years, the first such test occurring in June of 2009. And the last proposed condition would be

that on or before October 1<sup>st</sup> of 2013, the applicant come back to the Board with a then, currently dated site plan for the Board to review so that this Board would retain some level of jurisdiction over the application going forward so that if the applicant adheres to the Management Plan and the limits of the geographic dispersal of the vehicles, it should be an easy process and if they don't the Planning Board will have an opportunity to review a site plan at that point. It keeps you out of the local court process as being your only method of jurisdiction over the applicant. That was added at the suggestion of a member and chairman of the agency and I throw it out to you as being something that I feel comfortable with in terms of the timelines. I don't know whether you do or don't but...

Jacob Billig: May I be heard on those last two points?

Attorney Garigliano: That's up to you Diane, we're not in public session.

Chairman Deutsch: Well, we can hear him.

Attorney Garigliano: Go ahead.

Chairman Deutsch: Go ahead.

Jacob Billig: And I appreciate that. I've been the second attorney here and I know this Board has had this project for quite a while and I'm glad we're at this point where you've neg dec'ed it and we're looking to get the site plan approval. On the last two points, when I saw them this afternoon, in terms of the water quality testing, we did the baseline. The expense of that test on a go forward basis, um, you know, the people in the area are welcome to test their wells whenever they want to test their wells. We have the baseline information for those neighbors that this Board required us to test. I don't think it's reasonable to require the applicant to test wells every two years, not only for the expense, it's several thousand dollars, but based on a hypothetical of looking for a problem, which we've done a baseline and there is no problem with the wells. So my clients, although very, very motivated and interested in finishing this process, we're not sure why this requirement would be imposed. Given the fact that we did the baseline and any neighbor has the opportunity to test and if the results are outside of the baseline results, that's something that they could bring to the Town's attention, to our attention, for whatever redress or remedy may or may not be necessary. We think it's an extra requirement that shouldn't there. We think this Board was overly cautious and we accepted the fact we wanted to make a very clear record on this issue and require the testing, and we went through that. With respect to the second point, the Town maintains continuing jurisdiction under Section 93 of the Law with respect to our annual inspections that the Code Enforcement Officer has to do. My clients also feel that this is something that's onerous and they're not sure if it's applied to projects. If during the annual inspection, the Code Enforcement Officer sees something that is out of line with the Management Plan. We're doing something that's outside the scope of the site plan and the Management Plan that you are approving. He could suspend our license. That is a very, very onerous power that he has over my clients. And to have the requirement to come back to the Planning Board, if he suspends the license, that almost by definition is going to require us to deal with whatever violation they're claiming we have allegedly and resolve that violation, which could mean that the Code Enforcement Officer could say, you know you're doing this outside and you need to amend your site plan or not amend your site plan. So the Code Enforcement Officer has tremendous power over us and that's very clear in Section 93. Secondly, the Board to some extent maintains jurisdiction without requiring this, if my clients ever wanted to do anything that's not being approved now. Let's say they want to build a building that we haven't discussed, we have to come back to you for site plan approval. Right now we've spent several drafts going through a Management Plan. Numerous discussions relative to the site

plan. We're pretty confined in what we have to do. If we go outside the scope of that site plan, the Code Enforcement Officer has the, I think very, very strenuous, because once that license is suspended, we can't operate. I mean that is a very, very important thing to keep in mind. Yes, I agree and in my discussions this afternoon with Walter, I understand the fact that if we comply with our Management Plan and we comply with our site plan, then we have nothing to worry about you could say and we can come back to you in five years and get a site plan approval done. But if we're just operating as an approved entity as you've approved any entities, if we operate within the bounds of the Law and the bounds of approval, why should we be required to come back? If we're doing everything as we're supposed to on this site plan and the Management Plan. That's why this Board, and we spent months going back and forth line by line over those documents. So, again, with all due respect we do want to get this approved, we do want to finish this, however we think those last two provisions are onerous to some extent as I've outlined unreasonable. I would submit to you that, and again, not to be repetitive, but I think for all the reasons I've just stated, we would like most strenuously object to those, with all due respect object those not in the approval as much as we want to finish this tonight.

Peter Stettner: I disagree with you Jake about the cost of the water testing, it's not thousands of dollars. A simple well testing will run you about a hundred bucks.

Jacob Billig: Ours actually, these with all the spectrums...

Attorney Garigliano: It was almost eleven hundred a well.

TAPE UNCLEAR – ALL TALKING AT ONCE

Jacob Billig: Even if it was outside the radius that the Board determines, someone wanted to test their well and found something, they could always do that. But we created the baseline and with good reason. I will admit that I initially objected a little bit to that and then I saw the light of the rational and protection that the baseline provides actually.

Attorney Garigliano: It's completely up to the Board. You've heard Jacob's comments. Let us know when you're done...

Jacob Billig: I think I've repeated myself enough.

Attorney Garigliano: I think you're on legally sound footing in each instance, I don't know, and I picked two years because I looked at a resolution from another town on another project. It may make sense if you wanted to, instead of a longer period of time between testing, I mean it's up to you, or take it out, it's completely your choice. The comments that I heard from folks and I think John, was that people aren't going to test their well, that's just not something that people do. And we have established a nice baseline and if there is any degradation, it would be nice to know about it sooner rather than later. I think you're on good footing on both of these in terms of the second, the intent there was for the Planning Board to maintain the jurisdiction over the project periodically without the applicant coming here to ask for something new because there was a lack of comfort that the Code Enforcement Office with his busy schedule and all the things he does and the thousands of these that sit in files, I mean it is what it is. It's completely up to you. Jacob questioned the uh, when I did circulate this to him today after I got Diane's permission, he did call me and suggest that he thought it may be legally problematic. I did take a look at that, I am completely comfortable where you have an application that is in front of you that if there is a concern about future events that you have a right to ask them periodically to reappear to reconfirm their site plan. If they do everything correctly, it should be a simple process. It's completely up to you. I put it in because one of you asked me to put it in, so I put it in. But it's completely up to you guys. I'm not concerned about it not having any legal effect. I think that it's legally

sound. Whether or not you need it is a business judgment, not a legal judgment, that you guys can decide.

Chairman Deutsch: I'm going around the table for everyone's opinions on it.

Lynn Dowe: I think the water should be tested. I'm not sure at what intervals, but if the water does get contaminated and there's a baby drinking water for three or four years or five years or whatever we set, you know, it's almost too late. And I don't think the homeowner will ever test the water themselves if it's a thousand or eleven hundred dollars. I kind of agree with what Walter has here.

Chairman Deutsch: All right. Ray?

Ray Kelly: I understand the concern for re-testing, but I don't remember any discussion of having them re-test it after the baseline.

Attorney Garigliano: I don't believe there was a discussion.

Dean Farrand: If anything we probably looked just for the baseline and didn't really talk beyond that.

Attorney Garigliano: I agree. This again is something in going through this process someone suggested that we add it, so I did.

Dean Farrand: I don't want to break the, it's not my turn.

Chairman Deutsch: Go ahead.

Attorney Garigliano: We can do it zig zag.

Dean Farrand: Why aren't there any happy mediums in play. The test we had them do is a really exhaustive test.

Attorney Garigliano: The happy medium to me Dean would be for them to test their own well. One well, not multiple wells.

Dean Farrand: And that's where I'm going at. I think I'd rather have a full test done, rather than do like a portion test on all three wells. TOO SOFTLY SPOKEN TO HEAR If they would concede to doing it on their well.

Attorney Garigliano: Well it's not up to them, it's up to us.

Dean Farrand: I know but if we're trying to, so we can do this somewhat hand in hand. That way if there is a problem in that site, it's going to show up most likely in their well first, right? I think we'd almost all agree with that, right?

Brad Burnett: On five years.

Jacob Billig: Once every five years perhaps.

Dean Farrand: Yeah, we haven't gotten to the number of years yet, we're just talking about number of wells versus - whether a homeowner tests their property or not it is their responsibility to make sure they have good drinking water. I mean my neighbor may do something to screw up my well, at the end of the day it's was my responsibility to make sure that it's - I don't think we're being fair asking them to test other people's wells. I do think we can ask them to test their wells and I'm not sure that five years is, I think five years certainly as you stated is a little bit too far. An infant born and five years later we find out that infant's been drinking Toluene, all we can do is look at the family and say "too bad, so sad". Been there, in New Jersey, so, I think that two years is a good number, I don't think there's anything wrong with two years, personally.

Attorney Garigliano: So then what you're suggesting is the periodic water quality testing read periodic water quality testing at the applicant's on site wells.

Dean Farrand: Yes.

Chairman Deutsch: John?

John Van Etten: I think that's a good idea you have just to test the applicant's well. Now the thousand dollars was for full testing all the wells?

Several Board Members: in unison >>> "each well" THEN ALL TALKING AT ONCE.

Attorney Garigliano: It's a full spectrum.

Jacob Billig: That's the price tag of it.

John Van Etten: It's very expensive.

Jacob Billig: It is, because like I said, once you do a testing two years, two years comes around again.

John Van Etten: The other thing is that there are ground water sample taken yearly as a requirement, right?

Jacob Billig: Yeah, the Storm water Management Plan has all sorts of...

TAPE UNCLEAR - SEVERAL TALKING

Jacob Billig: The Storm water Management Plan annually tests for all that stuff.

John Van Etten: Does it?

Jacob Billig: Yeah, they're required that by DEC.

TAPE UNCLEAR SPEAKING TOO SOFTLY AND ALL AT ONCE

Chairman Deutsch: Let's talk one at a time because the tape won't come out.

Attorney Garigliano: Let's let Jacob finish so he can go sit down so we can have a discussion. This ain't a debate.

Jacob Billig: The DEC requires you to test the full spectrum that we did on the three wells. It's part of the Storm water Management Plan.

Attorney Garigliano: One is surface water the other is ground water.

Jacob Billig: They are different.

John Van Etten: The theory being you're going to detect it first in the surface water.

Jacob Billig: Yes, I realize it's not a debate.

John Van Etten: So then I'm just wondering if it's so bad if we allow more years between them if there is a test being done,

TAPE UNCLEAR – TALKING TOO SOFTLY

Attorney Garigliano: The provision I've made in the resolution is that the report be delivered to the Code Enforcement Officer no less often than...

John Van Etten: So then what you're saying is can be at that at the for the Storm water report that's done yearly, have that checked. But if something's wrong with it...

TAPE UNCLEAR

Chairman Deutsch: The yearly groundwater goes to DEC.

Dean Farrand: Yeah it all goes to DEC.

Mark Van Etten: I never see any of those reports.

Attorney Garigliano: No and you won't. Those go to DEC.

Chairman Deutsch: Peter?

Peter Stettner: I understand it depends on the degree of activity within the yard. If they're doing ten cars a year or ten cars a day, that's going to effect the ground water and the aquifer. It's hard to say. I kind of lean towards them testing their well on a regular basis and the ground water testing done yearly, I think it's covered.

Chairman Deutsch: So is it the consensus that they test their own wells every two years? It's a cost of doing business.

Lynn Dowe: I think that's very fair.

Attorney Garigliano: So what I've done is I've limited that obligation to the applicant's on-site well. That's how it described a couple of times in the...I'm not sure why it said on-site, in case there are some that are off-site, it's the one that's by the house.

Nancy: Quiet! Can I have quiet.

TAPE FLIP

Chairman Deutsch: That's the first issue, the second issue is the last site plan approval sunset.

John Van Etten: Can we go in order on that one? In discussion.

Attorney Garigliano: Go ahead.

John Van Etten: Because the Code Enforcement Officer sometimes tells me he gets in trouble if he trespasses.

Attorney Garigliano: No he has absolute authorization in our Junkyard Law.

John Van Etten: In our Junkyard Law. And that's once a year.

Attorney Garigliano: That's whenever he goes, there's no...

Chairman Deutsch: Anyone else?

John Van Etten: I mean I'm not opposed to this clause.

Peter Stettner: I just think it's a good way to keep in checks and balances.

Attorney Garigliano: Can I just respond to John? I'm sorry Peter. The Code Enforcement Officer shall enforce all the provisions of this chapter, and shall have the right, at all reasonable times, to enter and inspect.. But however, shall not be obligated to inspect. The point of this is to force periodically someone to bring back in a site plan showing the...

Dean Farrand: I don't see anything wrong with it. I don't see that there is a significant cost to it. If everything is going the way it's supposed to go, I think it's an in and out the door, thanks have a nice time, see you in the next five years.

Attorney Garigliano: This doesn't impose this obligation every time forever, it imposes it on a one time basis.

Dean Farrand: Right. I think it's one meeting one more time.

Attorney Garigliano: It doesn't mean that in five years make you come back every week or every month, but this is a onetime obligation.

Jacob Billig: Not every four years to renew.

Attorney Garigliano: It doesn't say that. It says that this site plan approval is valid for five years and four years from today you come back with a new site plan.

Jacob Billig: Hypothetically, if everything is done according to the management Plan and the site plan, you come in, in one meeting in old business we get it checked off, we don't have to have public hearings and open up a whole can of worms.

Attorney Garigliano: I don't believe that that's, I don't know. That's going to be up to the Board that's here four or five years from now and there's none of us here that can TAPE UNCLEAR.

Chairman Deutsch: I don't think that's the intent.

Attorney Garigliano: But we may or may not be here so I don't want to make any promises. It shall be what it shall be.

Chairman Deutsch: Lynn?

Lynn Dowe: I agree.

Chairman Deutsch: Ray?

Ray Kelly: Yeah.

Chairman Deutsch: I think with the change on the well.

Attorney Garigliano: Okay, I've made that change, so I will e-mail it with that change to Nancy tomorrow so it's up to you to act on it.

**ON MOTION BY DEAN FARRAND AND SECONDED BY DEAN FARRAND, APPROVAL OF THE RESOLUTION GRANTING SITE PLAN APPROVAL FOR IRONIC, LLC WITH THE CHANGES IN SECTION E THE APPLICANT'S ONSITE WELL AND IN D ADDING THE DATE FEBRUARY 9, 2009 WAS GRANTED. ALL IN FAVOR. APPROVED.**

**52 Liberty Inc./Save-Rite**  
Special Use Permit  
1885 Route 52  
SBL: 30.-1-76.1  
Zone: IC #2009-00261

Bill Sattler appeared for this project. The new maps shows the changes in the entrance and exit curb cuts. Page two was added showing lengthy details on signage. Attorney Garigliano said he was satisfied. Lynn Dowe said he like the two-way signs that could be read from both sides. Chairman Deutsch asked about light on the signs, Bill Sattler said the light would not be on the signs. They will be using reflective paint so at night when the headlights in the parking lot hit the letters they will reflect, but no lighting at all. Attorney Garigliano said "an no reflective paint on the Route 52 side, right?". Bill Sattler said no. After a short discussion, Attorney Garigliano read SEQR.

**ON A MOTION MADE BY JOHN VAN ETTEN AND SECONDED BY RAY KELLY, A NEGATIVE DECLARATION WAS DECLARED ON THIS PROJECT. ALL IN FAVOR. APPROVED.**

This project will be sent to County Planning for 239 review and shall appear before the Board again on November 3<sup>rd</sup>.

**Robert T Werlau**  
2 lot Subdivision  
5988 State Route 55  
SBL: 23.-1-54,2  
Zone: RS #2009-0025

Michael Woods and Robert T Werlau appeared for this project. Michael said the latest map that has been submitted shows the location of the well inside the building, the dimensions of the building, septic field, five hundred gallon concrete tank that serves that septic field and the gravel driveway has been built as shown. Dean Farrand mentioned that the Board had some open issues with information that was never given to Mark on the design of the septic field. Mark Van Etten, CEO said that it was approved by Adler Engineering and he has a letter from Bill Sattler of Adler's. Chairman Deutsch brought up the point that if a house was built on the parcel the septic would not be sufficient. Attorney Garigliano stated that the Board's request was to have it sufficient for the storage building based upon the current use. Mark Van Etten said he was out there and checked and it appeared that where it was flagged by the engineer was 100 feet away from the building going straight and appeared to be far enough away from the neighbor's well. Attorney Garigliano reminded Dean Farrand that the Board doesn't usually require a letter from an engineer, that they just require a perc and pitt and that in this instance they have more than that with the letter from the engineer. A short discussion was held where it was found that all criteria had been met.

**ON MOTION BY DEAN FARRAND AND SECONDED BY LYNN DOWE, APPROVAL OF THE 2 LOT SUBDIVISION WAS GRANTED TO ROBERT T. WERLAU. ALL IN FAVOR. APPROVED.**

**Bernard & Ruby Davis**  
Special Use Permit  
Cooley Road  
SBL 6.-1-25 & 50  
Zone: RH #2007-0082

Bernard and Coreyshay Davis appeared for this project. They had a fire back in 2007. They were before the Board in December of 2007 and have now done everything that was suggested by the Board. After a short discussion, it was determined that it should be sent for 239 review by County Planning and a public hearing is to be scheduled for November 3<sup>rd</sup>. Attorney Garigiano read SEQR.

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

**NEW BUSINESS:**

**Kelly Bridge Developers Corp**  
Special Use Permit  
Kelly Bridge Road  
SBL: 40.-1-1.1  
Zone: RD #2009-0027

Glenn Smith appeared for this project.

Attorney Garigiano: It's the same as what we had.

Glenn Smith: Yes, you already have these. What this is, last year this Board issued final approval for this project. On Kelly Bridge Road is a mobile home park. These are double-wide mobiles. There is a total of 95 of them all together and Michael Baum from R&R Development TAPE UNCLEAR was the developer on this and a special use permit was required and the Board issued site plan approval and special use permit in August of last year. Since then Mr. Baum has had some financial issues and he sold the project to a couple of guys who have come in looked at it with me and basically they want to reconfigure the homes and the roads somewhat. It's still 95 units and still the same sewage treatment system, it's still the same water, the wells were all drilled on the property. They were approved by the Health Department. Basically this current plan I handed out shows two phases, two loops that wanted to put the homes a little closer together and keep a wooded area in between, there's not one group on one side and one on the other with a wooded areas. Basically we have to kind of start all over, application, public hearing and everything else I would imagine. But I just wanted to, before going any farther than this point, I wanted to show it to the Board, get any comments you might have and if we can proceed, I will and we'll do anything we have to do for the engineering standpoint and get it back here and eventually have a public hearing, etcetera, etcetera. This current layout takes up less space, we're not going up to the back of the property, which I kind of like that idea better. We're using a lot less of the property.

Chairman Deutsch: I think it looks nicer. The only other...

TAPE UNCLEAR

Chairman Deutsch: We have to talk one at a time, there's so many garbled on the tape.

Dean Farrand: I'm sorry.

Chairman Deutsch: Okay, I think this looks better, but the only other new differences are the shul and the two pools?

Glenn Smith: The pools are new. That community building shul we showed is new and we took out on the original plan was that mini-storage that was at the back of the property. A large mini-storage area just for the residents of that mobile home park, that's been deleted from the layout.

Attorney Garigliano: In terms of the...can you just give us before we react to this, just a couple of areas of blow-up showing separation distances. Because there are provisions in the Code on unit to unit separation and road to unit separation.

Glenn Smith: The road to unit is 15 feet and that's complied with. All units are 30 feet apart. There's a 40 foot setback from the property line. That's complied with.

Dean Farrand: Here its 40 feet from the septic.

Glenn Smith: To the property line.

John Van Etten: I think the problem is, we count decks.

Attorney Garigliano: We count the decks, so I don't get 30 feet.

Dean Farrand: There's nowhere near 30 feet.

Glenn Smith: I don't recall if your separation is 30 feet or 25.

Several Board Members: Twenty-five.

Glenn Smith: For example, if it was a five foot deck then we would probably meet it, but I'm sure they're not going to want a five foot deck so we may have to move them a little further apart.

Dean Farrand: Well, I mean these two buildings are, I think, right on top of each other. These two are right on top of each other. These two, these two and then all the corners and then all of these are less than 25 feet. Every single building. I scaled it out.

Glenn Smith: If you count the decks.

Dean Farrand: Well yeah.

Chairman Deutsch: Yeah.

Dean Farrand: The decks are counted.

Glenn Smith: Understood. The buildings without the decks are about 30 feet so if the decks are a little wider it won't be under 25 feet, so we can check it out.

Attorney Garigliano: And I'm not sure...I couldn't figure out whether it was five or seven or six or what it was...

John Van Etten: I thought they were eight foot minimum.

Attorney Garigliano: Yeah.

Dean Farrand: What?

Attorney Garigliano and John Van Etten simultaneously: The width of the deck.

Glenn Smith: That's what I'm saying. The decks are eight feet and the buildings are 30 feet apart we have a 22 foot separation so that's not going to fly.

Attorney Garigliano: But on the areas that you do have units that are fairly close together, it would be very helpful from my standpoint, it doesn't have to be fancy. Just give us an 8 ½ X 11 blow-up with unit numbers. We can figure it out from there. Because there are a couple places here, corners.

Chairman Deutsch: And also, I guess it kind of shows wetlands and the distance between. Just make sure.

Attorney Garigliano: These are Army Corps wetlands so they're no closer.

Glenn Smith: Can I ask a question. Where some of the units are set with the corners, would that 25 feet would be held even if we have a unit kind of diagonal? At the closest point.

Attorney Garigliano: Nearest point.

Glenn Smith: You don't want to take the average?

Chairman Deutsch: No.

Attorney Garigliano: We've told everybody else no.

Lynn Dowe: We just went through this at Hillcrest.

Attorney Garigliano: Now you show 94 here total.

Glenn Smith: Ninety-four and the caretaker's unit coming off the road is 95.

Chairman Deutsch: Anything else anybody?

Glenn Smith: Overall you're fine with the concept?

Chairman Deutsch: The wells would be sufficient with the additional two pools?

Glenn Smith: Yeah, pools are not big water users.

Chairman Deutsch: And the shul?

Glenn Smith: Yeah. Pools are not big water users. Obviously when they fill them, but that's done over a period of time. The Health Department doesn't require a pool to reflect in well TAPE UNCLEAR – SPEAKING TO SOFTLY.

Attorney Garigliano: And you're using the same sewer system design that you received?

Glenn Smith: Yes, it's still 95 units, the same number of people, same amount of water.

Attorney Garigliano: But you did get design approval if I remember right, didn't you?

Glenn Smith: Yeah, from Health Department and DEC both.

Attorney Garigliano: What was that an active sludge.

Glenn Smith: That was an SBR, sequence and TAPE UNCLEAR reactive. An activated sludge type of process.

Dean Farrand: Each one of these is supposed to be on a separate lot of 5,000 square feet, right? That's how I read the regs.

Mark Van Etten: Yeah, that's what it is.

Dean Farrand: We're going to need to see optimums.

Glenn Smith: Well I can do that on the blow-ups.

Dean Farrand: And I'm trying to find, I circled it and didn't write my note next to it, shame on me. There was an issue I had with the two entrances.

Glenn Smith: One thing I pointed out that still applies here is that Town's mobile home allows up to seven units per acre and this is still 1.5 units per acre. Well under.

Actually TAPE UNCLEAR TALKING TOO FAST

Lynn Dowe: That may be singlewides.

Glenn Smith: Eight foot by 30 foot singlewide.

Dean Farrand: There are two additional issues. One was the garbage containers need to be no more than, you need to show garbage receptacles, 'cause they can't be any more than 250 feet from any mobile home lot. So there are going to be quite a few garbage receptacle containers here, that you don't provide right now for any that I saw.

Glenn Smith: I think the last time we were talking about a separate garbage can per unit would the Board object to that?

Attorney Garigliano: I need to look back but I think we had suggested, I thought we wanted it to be picked up at the units.

Chairman Deutsch: It was curbside.

Dean Farrand: Curbside?

Glenn Smith: That's what it was.

Dean Farrand: I couldn't remember.

Chairman Deutsch: I think there was even a note on the map originally.

Lynn Dowe: I couldn't read that.

Attorney Garigliano: I would pull that. I do remember that.

Dean Farrand: Yeah, my eyes aren't that good anymore.

TAPE UNCLEAR SEVERAL TALKING AT ONCE

Attorney Garigliano: It's number 6 on the original site plan.

Dean Farrand: Alright, now that you pointed it out, I can see it.

Chairman Deutsch: And you have it on this new one too.

Glenn Smith: It's still on there?

Attorney Garigliano: Yeah.

Lynn Dowe: How many square feet is each unit, do you know?

Glenn Smith: These are 28 x about, 1680 square feet roughly.

Lynn Dowe: Three bedroom?

Glenn Smith: Yeah.

Chairman Deutsch: You have 20 x 60, is that the doublewide itself? Including the deck?

Glenn Smith: No that's just the doublewide.

Glenn Smith: What we showed on the original plan I think was 28 x 50 or 52 which was a shorter unit.

Attorney Garigliano: It is 1680 according to my calculations.

Lynn Dowe: Glenn, do you know if they plan on living here year-round or is this seasonal?

Glenn Smith: Well it's set up, it's going to be seasonal weekend vacation in the winter.  
TAPE UNCLEAR SPEAKING TOO SOFTLY

Attorney Garigliano: Obviously we're giving you the 20,000 foot highlights before we go through it.

Glenn Smith: This is the first time you've seen it. I just wanted to get your general consensus.

TAPE UNCLEAR

Attorney Garigliano: What do we want Glenn to do? Do we want him to lay it out in a way in which he meets all the separation distances, bring it back and where you have units that are relatively close, bring us blow-ups, so we're not sitting there with a scale.

Glenn Smith: Regardless, you want to see the 25 feet between them. We may lose a couple units but that's the way it goes.

Lynn Dowe: Stretch them out a little bit.

Dean Farrand: Stretch the road out a little bit.

Glenn Smith: We can do that too.

Ray Kelly: In the old plan it went way back.

TAPE UNCLEAR - SEVERAL TALKING AT ONCE

Glenn Smith: It went right back to the corner.

Ray Kelly: And here around the lake.

Attorney Garigliano: Absolutely.

TAPE UNCLEAR - SEVERAL TALKING AT ONCE

Chairman Deutsch: When we did this last time, we had a traffic study, correct?

Attorney Garigliano: Which we can certainly rely on.

Chairman Deutsch: The only thing is I don't remember the time of year that it was done and certainly if a traffic study is done this time of year, it's very different than...

Attorney Garigliano: I'll pull it out, we did it right at the time. We either did it at the appropriate...

Chairman Deutsch: On a Sunday Ferndale Loomis Road needs a traffic cop. It's really...

Glenn Smith: You said that last time, at the bottom of the hill you mentioned that.

Chairman Deutsch: Well, not at the bottom, by the camps there, you know, so it's a big pile up and I think it's worse than ever. So that might be a consideration.

Glenn Smith: Has anything else been approved in this area by the Board since then where we might want to factor that into a completed or amended study?

Attorney Garigliano: You're not adding incremental units with 95 approved and your asking for 95, so there's no additional units being approved.

Chairman Deutsch: I understand that.

Attorney Garigliano: I will look at the traffic study. What I think I remember is that they interpolated it based upon the time of year.

Glenn Smith: Yeah I don't recall what time of year we did it last time. Usually we have to adjust it for summer.

Attorney Garigliano: I remember it that it was done right.

Chairman Deutsch: Well there are new projects along Route 55 that do turn down Ferndale Loomis Road which this which also turn down Ferndale Loomis Road from Kelly Bridge. They all funnel on to that same...

Attorney Garigliano: I'll bring it next time. I'll make sure. If Nancy can find it, great, if she can't I know I have it. I had an extensive file, so I didn't bring it. It was this big, a box.

Chairman Deutsch: Okay, that was just another thought. We'll want to see the usual lighting.

Glenn Smith: The same as you required last time I'm sure.

**Liberty Towers, LLC**  
Special Use Permit  
100 O'Keefe Hill Road  
SBL: 5.-1-71.2  
Zone: RD #2009-0028

Anthony Gioffre: My name is Tony Gioffre. I'm a member of the law firm Cuddy & Feder and I'm here on behalf of Liberty Towers and AT&T Wireless. We have a proposal for a new tower in the Parksville area of the Town. Also to support the application is Chuck TAPE UNCLEAR, the engineer for the project and Glenn Kreisberg who is the RF engineer for the project. The premises is know as 100 O'Keefe Hill Road and is classified in the Rural Development zoning district where wireless towers are permitted pursuant to, subject to getting the site plan and special use permit approvals from the Planning Board. This proposal will seek to hand off to a site to the northwest and a site to the southeast that AT&T is currently on in both of those. The site to the northwest is in Livingston Manor at 70 feet on the tower, an existing tower and to the southeast in Liberty on Revonah Hill Road. AT&T has a site at 140 feet on that tower. This site would be able to hand off to those two sites. The proposal that's before you is for a 195 foot tower. AT&T would propose to go with the top of the tower at 190 feet. And we also provided co-location opportunities for all of the licensed carriers in this market. There are five licensed carriers who demonstrate that there is still sufficient structural capacity for an additional carrier, if a carrier is licensed by the FCC or in the alternative if Town of County needs TAPE UNCLEAR – SPEAKING TOO SOFTLY to utilize the tower. Also, with the proposal we're proposing 80 x 70 compound at the base, which would house the equipment of not only AT&T Wireless but the other proposed co-locators that would hope to locate on the tower. And we would be placing within that compound a shelter for AT&T which would be a 11 ½ x 20 foot shelter. On that shelter would be two small GPS antennae, which would be about the size of my fist. Those GPS antennae would do two things, one it allows the facility to communicate with the land line system and as well it allows AT&T Wireless to comply with the FCC

regulations governing the 911 regulations. So that eventually if a call is made by somebody in distress who either can't speak into a phone or can't identify their location, the call would be triangulated so emergency responders can go to the location where the call was generated from. We have submitted some lengthy materials to you, detailed site plans as well as an information package which has information regarding FAA, but there's no hazard to air navigation. There are two reports from the DEC that there are no water bodies or protected fresh water wetlands, no rare or endangered animals. A US Fish and Wildlife report to identify that there are no critical habitats, Bog Turtles or Indiana Bats, what-not. We have included some emissions calculations despite the fact that this would be deemed categorically excluded by the FCC. TAPE UNCLEAR And we've submitted a demonstration of need. We have identified the locations to the northwest and to the southeast and how this site is necessary to hand off to those two locations. We were hoping this evening that if we know that the visual impact is going to be in consideration for the Town, we were hoping to identify some locations where we can take photographs from for simulations.

Attorney Garigliano: We do require photo-simulations, as you know.

Anthony Gioffre: Of course. I'm looking if there are any specific locations you would like us to take those from.

Attorney Garigliano: We would prefer that consultant provide those locations to you and if we find them deficient, we'll have you...It's hard for us to picture them from our seats.

Anthony Gioffre: What we can do is take representative views around the facility. Generally we'd like to ask the municipality if there are any important considerations or if there are any locations that are sensitive.

Attorney Garigliano: Do you know where O'Keefe Hill Road is Ray?

Ray Kelly: I think so. That's all the way at the back side of that hunting camp up there?

Anthony Gioffre: Chuck, why don't you bring up the site plan so we can just identify the location on the site plan.

SEVERAL TALKING AT ONCE

Lynn Dowe: I have an obvious question.

Chairman Deutsch: Is it necessary because one's going in.

Lynn Dowe: Right, yes and when they did their study did they take into account the location we are looking at at the diner?

Attorney Garigliano: The tower that was approved this evening is about a seven iron and a wedge away.

SEVERAL TALKING AT ONCE

Attorney Garigliano: It's all down hill.

Anthony Gioffre: Do you know what height that was approved at.

Attorney Garigliano: We could give you all the information because what, obviously the first thing we're going to ask you is why can't you co-locate?

Anthony Gioffre: You want to avoid a proliferation of towers. Our proposal sounds like it's significantly higher in elevation from the way you characterize the other site. We need 195, 190 feet at this higher location in order to be able to hand off to our site in the northwest.

Attorney Garigliano: What you're going to need to do for us is show us that there's no ability to go on the very recently approved site and existing towers in between your northwest location and southeast location, because there a few going northwest. There's one in Moriston for example. So what we'll want you to do is show us that you can't co-locate a couple of places to fill in your gap as opposed to having to build another tower that's all.

Anthony Gioffre: I don't know if you want to engage in this now or if you want us to do this over time.

Attorney Garigliano: No, we can do it any way you want. The best thing we can do is to get you to make a technical review deposit with Nancy, get our consultant involved to be talking to you and they'll be able to...I'm sure you guys know where the towers are.

Anthony Gioffre: I have an idea of where it is.

Chairman Deutsch: The new one we just approved.

Anthony Gioffre: I have an idea where it is, I don't know what height above ground it is.

Chairman Deutsch: It's at the old diner right on 17.

Attorney Garigliano: It's 130 feet but it's at a location that's pretty much a straight shot in both directions where you avoid the roll in the hill that you're going behind.

Anthony Gioffre: So the next available height on that would be 120 feet.

Attorney Garigliano: Yeah, but one carrier made it work there on the diner sign at 19 feet.

Anthony Gioffre: Independent Wireless, Sprint? I handled that.

Attorney Garigliano: I know you did. So we're going to want you to make us more convinced that we are now that you need to do this because there's an IWO tower in between your AT&T site and this site. Then there's the new tower and then there's the site in Moriston, which isn't the Livingston Manor site you're talking about, which is on the other side of the road, it's on the, you know where it is...I've been happy to trust you, you've been pretty trustworthy so far. Take that map, make a copy, send me back.

Anthony Gioffre: When we were preparing the application materials and we were getting ready to submit the application we certainly didn't know that. It's something we certainly will investigate. We knew when we filed the application, hoping that you would be able to consider two applications. I believe T-Mobile will work with us and that's a site that can work.

Attorney Garigliano: Call us if they don't 'cause it's a condition of their approval.

Anthony Gioffre: And I've worked with Ms Cipo before, so I can certainly reach out to her.

Attorney Garigliano: Here borrow this too if you want. Make sure I get them back.

Anthony Gioffre: Are there any considerations in the interim that we can consider?

Attorney Garigliano: That's the big consideration to me. As soon as I saw it, it looked like there's three towers between your two towers and you're trying to fill in between. It exists.

Anthony Gioffre: So being they can work, obviously we wouldn't go through the expense of constructing a new tower.

Attorney Garigliano: Of course you wouldn't.

Anthony Gioffre: But it's something that we will certainly investigate and demonstrate whether or not they do or don't work for us.

Attorney Garigliano: And I think you're going to find the gap is the one that was just approved.

Anthony Gioffre: Again, it is much lower in elevation, it's something that our engineer...I can't testify that it will alone. Our engineers will have to take a look at it.

Attorney Garigliano: Sometimes right down there near the road is the best spot.

Chairman Deutsch: Check it out and let us know.

Anthony Gioffre: Is there anything else you'd like us to look at in the interim as well?

Attorney Garigliano: There is one other thing I'd like you to look at, because I went visit Ray and I noticed that they're taking the mountain away. So have you designed this tower at 195 feet based upon the existing topography or the future topography of the new highway.

Lynn Dowe: They're literally removing the entire mountain.

Attorney Garigliano: The shadow area from the Moriston tower...

Ray Kelly: You're going to be right on the cliff.

Attorney Garigliano: The shadow area from the Moriston tower that used to block this is going away. At the rate of how many yard a day Mark?

Mark Van Etten: Somewhere in the ball park of about 30,000.

Attorney Garigliano: Thirty thousand yards a day.

Mark Van Etten: That's one crew.

Attorney Garigliano: And that may also make a difference in terms of your propagation study because one of the natural topographic features is about to disappear.

Anthony Gioffre: Okay, well we'll certainly take a look into that.

Attorney Garigliano: The Town does have copies of the post-build elevations in materials that were provided to Mark at the time of the decision on the, how many different?

Chairman Deutsch: Four.

Ray Kelly: Four and six alternative.

Attorney Garigliano: I think there's like 24 altogether or something. We have it here if it's hard for you to get. Mark could arrange. We have them here.

Mark Van Etten: I don't have them.

Attorney Garigliano: They're sitting in John's office.

TAPE UNCLEAR FROM HERE ON – **NEED NEW MACHINE?**

Anthony Gioffre will be letting us know when or if he will be back with AT&T.

**Aron Suleymanov**

Special Use Permit – Information Only

1463 Briscoe Road

SBL: 45.-4-1.2

Zone: RS #2009-0030

Jay Zeiger appeared for this project. The applicant wants to change the building into a synagogue. The Board's issue is the parking. There must be enough parking for however many persons that will be in the synagogue. The Board also wants to know what the seating will be like in the synagogue and the actual square footage of the building and the part used for the synagogue. Nancy will e-mail the parking portions and handicapped portion of the Town of Liberty Code and the Zoning Law to Jay Zeiger for his reference.

**Moses Blau**

Special Use Permit

245 Ferndale Road Unit #40

SBL: 41.-1-9.8

Zone: RD #2009-0031

Jack Tompkins appeared for this project. The applicant wants to remove the deck, put in a 15 x 24 extension/addition and then replace the deck. It will be on piers and closed in. After a short discussion it was determined that this project does not need SEQR as it is a Type II project. It will be scheduled for a public hearing on November 3<sup>rd</sup> and will be sent for 239 review by County Planning.

**ON A MOTION BY RAY KELLY 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 October 6, 2009 are not to be construed as the final official minutes until so approved.

\_\_\_\_ Approved as read

DRAFT