

**TOWN OF LIBERTY  
PLANNING BOARD MINUTES  
November 1, 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

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**CHAIRMAN DIANE S DEUTSCH CALLED THE MEETING TO ORDER AT 7:05 PM.**

**ON MOTION MADE BY JOHN VAN ETEN AND SECONDED BY DEAN FARRAND, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR OCTOBER 4, 2011. ALL IN FAVOR APPROVED.**

**PUBLIC HEARING:**

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

Planning Board member, Ray Kelly, recused himself from this project, being the owner of an adjoining parcel.

Nineteen hearing notices were sent, 14 green cards received, 1 notice was returned and 4 are outstanding. Chairman Deutsch reported that the 239 review letter was received from County Planning and read the following from the letter:

“Based on our review of the materials provided, the DPEM has determined that the proposed action may have some adverse intercommunity impacts, therefore we recommend a modification. The ball field may represent some difficulty for access by emergency vehicles. We recommend that the community work with their emergency responders to ensure the roads and signs are adequate for locating and reaching the ball field.”

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 DEAN FARRAND, THE PUBLIC HEARING WAS CLOSED. ALL IN FAVOR. APPROVED.**

Glenn Smith appeared for this project, 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. There is also access from the Snow Hill Road. After a short discussion it was determined that the Snow Hill Road access should be brought up to standards and that the applicant/engineer shall contact the fire department and Mobile Medic to let them know about the ball field and the access to it through either the cul-de-sac off Snow Hill Road or the Camp.

With regard to the barn located across the road, CEO Mark Van Etten said that he heard that the applicant didn't want to do anything to the barn. The Board determined that it should either be removed completely or brought up to the NYS Property Maintenance Code. This project has been tabled until the next meeting to give Glenn Smith time to speak with Mark Van Etten.

**OLD BUSINESS:**

**Brittenham Summers/Camp Hedvah**

Lot Improvement

Muhlig Road

SBL: 14.-1-18 & 19.2

Zone: SC #2011-0008

For map re-approval

Gary Silver appeared for this project. This project was originally approved on June 21, 2011. When the map was taken for filing with the County it was found that some of the names and detail information was incorrect. The map has been corrected and needs to be reapproved and resigned so that the Applicant can file it with the County.

**ON A MOTION MADE BY JOHN VAN ETEN, SECONDED BY DEAN FARRAND, THE LOT IMPROVEMENT FOR BRITTENHAM SUMMERS/CAMP HEDVAH IS RE-APPROVED FOR RE-SIGNING. ALL IN FAVOR. APPROVED.**

**BSD, LLC a/k/a Liberty Business Park**

Subdivision  
Harris Road  
SBL: 41.-1-27  
Zone: IC #2007-0079

**BSD, LLC a/k/a Liberty Business Park**

Special Use Permit  
Harris Road  
SBL: 41.-1-27  
Zone: IC #2011-0020

Charles Bazydlo and Gerard Fitamant of Langan Engineering & Environmental Services appeared for this project. Mr. Bazydlo explained that what they had was a 109 acre site and that they wanted to have multiple tenants with a final total of 14 lots. They hoped to do this in stages, the initial stage being a lot in front on Harris Road with well and septic on site, finalizing the map and getting a tenant. In their proposed second stage they would like to have an overall review and preliminary approval for all 14 lots and to hopefully have other tenants lined up. If a tenant would prefer two lots together, they would do that as well. Mr. Bazydlo said that back in the original application dated 2007 the Town of Liberty Planning Board was declared lead agency and should remain so. This time they have submitted their plans, a long form EAF, the traffic study, and a plethora of other information.

Gerard Fitamant took over at this point and spoke about the highest point on Harris Road being the best place for the entrance to this business park. That it had the best visibility. When asked how large they planned the buildings to be, he said 10,000 sq ft per level. Attorney Garigliano asked if they had considered gating the entrance to limit the traffic and to have the road maintained by the tenants as in a lot owners association ("LOA"). Mr. Bazydlo said they would consider that. After a short discussion it was determined that the first few lots will have their own well and septic. Should it become necessary, they would put in a package plant to be maintained by the tenants with their LOA rather than the developer who may or may not be around in the future.

Chairman Deutsch said she would need more clarification as to when the switch would occur from septic to package plant and waste water treatment plant. She also wanted to know where they planned on locating the package plant. Gerard Fitamant said that the DEP was encouraging them to have a direct discharge into the Mongaup. That being so, their original plan to have 27.13 as the location would no longer be feasible. If they could put in a waste water treatment plant they might be able to reuse the waste water and keep it sustainable.

The Board would like to see a lot owners association agreement. Mr. Bazydlo said he would talk to the owner about the lots. It was determined that the subdivision has to be for a minimum of four lots with the parent parcel as number four.

**NEW BUSINESS:**

**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

Planning Board member, John Van Etten, recused himself from this project, being the owner of a parcel within 500 feet.

Howard Rittberg of Levene Gouldin & Thompson, LLP and David Chase of Delta Engineers, Architects and Land Surveyors appeared for the project. Mr. Rittberg said they came before the Planning Board to see what they should do and what criteria the Planning Board had. He said the week before the Town Board approved a petition which stated that the junkyard on Fishman Road could be moved. He was asked by a member why the current Fishman Road site was unacceptable. Mr. Rittberg said it was a challenging site with easements that made it difficult and a road that was too narrow for large trucks to travel on. Mr. Rittenberg said he found the site on Sheehan Road available and it had a good proximity to Route 17. He said that the new junkyard would be used to extract fluids from the vehicles then the vehicles would be flattened for transport to the facility in Owego, New York for further processing along with general scrap metal that they will also be taking in. They proposed this site to be five acres and would have a storm water treatment plant due to the imperviousness of the site. They were asked what type of screening they were planning. Mr. Bazydlo said they would install 8 foot fence with landscaping. Ray Kelly asked if they were going to leave the old railroad bed intact for hikers. David Chase said they would see if they could accommodate that. Dean Farrand said he didn't think he wanted to see an 8 foot fence as he came off Route 17 at exit 99. That it did not give a good impression of Liberty to people passing or stopping by. The issue of the size of the site on Fishman Road was brought up to determine what a 25% increase would be in terms of size for a new site according to Code. Chairman Deutsch asked how long and how many vehicles they planned on having. Lynn Dowe asked if they were going to use a car crusher and if so, what were their plans concerning the noise? Lynn said perhaps the applicant would consider an inside crusher to keep the noise down. It was determined they would be taking in scrap also. The Board said they would also like to know the hours of operation.

Other issues mentioned were the proximity to the off ramp of Route 17 and the possibility of traffic backup. The Board determined that before they could take any action this project should go before the Town Board to see what can be done about being in the wrong zone. It was brought to everyone's attention at the start of this presentation that the proposed project is in the R-1 Low Density Residential wherein a junkyard is not a permitted use or listed under special uses or accessory uses. Therefore the Planning Board can take no action until the issue of zoning is cleared up with the Town Board.

**Agudath Israel of America**  
Special Use Permit  
Upper Ferndale Road  
SBL: 29.-1-24.1  
Zone: RS #2011-0022

Gary Silver and Meir Frischman appeared for this project. Gary explains that they hope to build a building to house two basketball courts on an adjoining property now owned by Brothers Bungalow Colony. It was brought to the attention of the Board by Dean Farrand that according to Section 84-32 (f) that was not an option. Gary and Meir then said in that case they would proceed to request to build it on the 29.-1-24.1 parcel. The Board requests that they follow the greater of what the setback requirements are, IE: "If the setback requires 25 feet between buildings and the building is 39 feet high, the setback would be 39 feet." Everyone agreed there would be plenty of room to do so. When asked what type of building it would be, what size basketball courts and the size of the building, Meir said it would be a pole building, 90 X 50 and as far as court size went there were NBA, high school and college sizes, he was just going to have two courts in total. It will be a multi-use activity building with no sleeping and no bleachers. Chairman Deutsch said the Board would need to see what type of lighting there would be inside and outside the building and that the outside lights should be facing down to prevent light pollution. When the subject of access to the basketball building was brought up, it was determined that the access road for construction would remain and be finished to code once the building was done.

**Resolution**  
Board discussion

After a short discussion, it was determined that Attorney Garigliano would forward the Resolution to the Town Board.

**ON A MOTION BY DEAN FARRAND AND SECONDED BY LYNN DOWE, 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 November 1, 2011 are not to be construed as the final official minutes until so approved.   X   Approved as read