

**TOWN OF LIBERTY  
PLANNING BOARD MINUTES  
November 4, 2008**

**MEMBERS PRESENT**

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

**ABSENT**

**ALSO PRESENT**

Walter F. Garigliano, Town Attorney and Mark Van Etten, Building CEO  
See attached sign in sheet

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

**ON MOTION MADE BY DEAN FARRAND AND SECONDED BY PETER STETTNER, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR OCTOBER 7, 2008 WITH CORRECTION OF ADDED MOTION TO CLOSE PUBLIC HEARING ON FIRST PAGE.**

**ON MOTION MADE BY LYNN DOWE AND SECONDED BY JOHN VAN ETTEN, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR OCTOBER 21, 2008.**

**PUBLIC HEARING:**

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

Eleven notices were sent, ten green cards were received. Jacob Billig and Randy Wasson appeared for this project. Applicants were seated with the public.

TAPE STARTS:

BJ Gettel: Did the property owners or within a 500 foot radius get notified.

Chairman Deutsch: Yes they did.

BJ Gettel: And do they get notified with a certified return receipt?

Secretary Nancy Saucier: Yes.

BJ Gettel: And was that done for this?

Chairman Deutsch: Yes, we just did that.

BJ Gettel: I notice that this is not listed as a special use permit or a primary use but the junkyard has been there for over 30 years. Is there going to be a crusher coming in on this property, do we know.

Jacob Billig: Yes.

BJ Gettel: There is, okay. What are you going to do to take care of the fluids that would be coming from that crusher.

Jacob Billig: We will be complying to all DEC regulations relative to that and we have submitted to the Board, which is part of the public record and you can look at, um the business management plan, which talks about the handling of fluids and all the other items that are a part of the crushing operation.

BJ Gettel: Okay, and is there going to be screening addressed on this site plan as well?

Jacob Billig: Yes, the original owner actually planted all sorts of, I guess it's Spruces, Spruce trees, around the perimeter. Those have matured and are of significant height and we will be maintaining those as screening and doing whatever additional screening the Board will require.

BJ Gettel: Okay, hours of operation would be Monday through Friday or are you doing seven days a week?

Attorney Garigliano: Hang on.

Chairman Deutsch: Wait a second. A lot of these questions that you have can be answered in.

Attorney Garigliano: It's all in the file.

Chairman Deutsch: Right and um we're happy to have you voice concerns or questions but this is not a question and answer period right now.

BJ Gettel: The other things that I have concerns over was an ag data statement done and filed. Were the farms in the area notified, was is a short form or long form EAF or EAS done? Fluids coming from vehicles that are being crushed and drainage that is not addressed correctly flows down into the Briscoe Lake. Briscoe Lake goes to Lake Jeff, which also feeds the hydro plant. Briscoe Lake is also part of the Callicoon Watershed Study which is being done by Cornell Cooperative Extension. And that also needs to be looked at because that will impact the study. I know normally a County 239 is done because this is in an ag data district or an agricultural district, so a County GML 239 should, I was assuming should be done. I assume the SWPPP has been filed with either the DEC or with this Board.

Randy Wasson: No we didn't do a SWPPP. This is a pre-existing.

BJ Gettel: We understand pre-existing, non-conforming. Okay. Lighting would be the other thing but you said that would be addressed in the file, under the Management Plan?

Chairman Deutsch: I don't believe you addressed lighting.

Jacob Billig: Well,

Attorney Garigliano: They're not proposing any changes to the existing lighting conditions at the property.

Jacob Billig: We did do a long form, we are doing the hours of operation – I think it's 8 to 5, whatever the Town Code requires.

BJ Gettel: Are you aware there are eagles in that area? In the Briscoe Lake area?

Jacob Billig: I'm aware that eagles fly all over the County.

BJ Gettel: Okay. I'm just pointing that out because that is a concern of ours. Alright, thank you.

Jacob Billig: Thank you.

Chairman Deutsch: Thank you. Yes?

Vivian Hansmaier: Was this legal notice of tonight's meeting advertised anywhere.

Secretary Nancy Saucier: I believe so.

Vivian Hansmaier: Can you show me a copy of that please?

Attorney Garigliano: We're a public hearing, not a question / answer session, but we'll look into it and let you know. Just give her your name. She certainly sent it in to the newspaper, I'm assuming you're saying it wasn't in there.

Vivian Hansmaier: Right.

Attorney Garigliano: We'll check.

Chairman Deutsch: Anything else?

Vivian Hanslmaier: No.

Gail Marshall: I have a question, Gail Marshall local resident. Is there going to be a smelting operation on this property. Are they going to burn anything?

Attorney Garigliano: It's not part of this application.

Jacob Billig: No.

Gail Marshall: Okay.

Chairman Deutsch: Does anyone else have any questions, concerns?

Gail Marshall: I do. How do we go about reviewing the file. Those people who are concerned.

Chairman Deutsch: You can go right to the office and look at the file.

Gail Marshall: Okay, very good.

Vivian Hanslmaier: Which office?

Secretary Nancy Saucier: Building Department upstairs.

Attorney Garigliano: Planning Board office.

Chairman Deutsch: It's upstairs on the second floor. Anybody else.

Vivian Hanslmaier: Concerns yes. Concerned with stuff running off into the neighbors' pasture lot as well as into the water supply.

Chairman Deutsch: Okay, anything else?

Gail Marshall: Are you going to require them to have perimeter test wells for testing to make sure there is no runoff going off the property onto adjacent land?

Chairman Deutsch: I don't think that's been discussed.

Gail Marshall: I think that might a good concern because there is a high pitch on that elevation, and it's going to be very hard to stop any runoff from going down into somebody else's property. If you go past that property now owned by David Weiss there are deep ravines from the water runoff on the top of the mountain. So if you have perimeter test wells on different locations that you deem to protect all property owners and have a regular testing of the water to see if there are any kind of toxics migrating down, that would be appreciated.

Vivian Hanslmaier: Actually, I agree. There should be test sites done now before the operation starts so that you will then have a comparison later on down the road to look at.

Chairman Deutsch: Okay, anything else?

Vivian Hanslmaier: I'll reserve, I may.

James Torrens: My name is James Torrens. I live right next to the proposed junkyard. I have many concerns of what's happening. The first thing I see of concern is that in the proposal, he proposed to put a gate at the entrance of the right-of-way. I have a right-of-way through the property. I am definitely opposed to that for emergency vehicles, etc. etc. I think that's very unreasonable. I think that he should be made to put gates at the entrances of the junkyard where it goes in that way that it is now. I don't see any reason to block off our right-of-way coming up to my house. That's one of my issues. Other issues are, is this an up and running junkyard. Is this, is there supposed to be stuff going in or out? As of right now to date?

Chairman Deutsch: That's what they claim.

James Torrens: There's nothing supposed to be moving in or out?

Chairman Deutsch: It's supposedly an existing.

James Torrens: So they're allowed to bring stuff in.

Jacob Billig: We're renewing our permit, that's why we are going through the Planning Board process.

James Torrens: What I'm saying to this point now from, they've owned this for I don't know, three or four years. The time limit they've owned it, are they allowed to bring in

vehicles or take vehicles out during this period between the beginning when they bought it till present?

Jacob Billig: WE had a permit up until the year that we needed to renew it and then we started the Planning Board process.

Vivian Hanslmaier: Did they have a permit? I understood at the last meeting, not the last meeting, but the first meeting, that they didn't have a permit.

Randy Wasson: No they did have a permit. The Town gave them a permit. I don't know if it was for one year or two years.

Jacob Billig: It was a one year permit and the prior owner before that had several years, many years of permits.

Vivian Hanslmaier: And what year was your permit?

Jacob Billig: '04-'05 and then now in the '06 renewal is when we started this Planning Board process.

Vivian Hanslmaier: So your permit was from '04-'05?

Jacob Billig: Correct.

Vivian Hanslmaier: So you don't have a permit then at this time.

Jacob Billig: We are renewing our permit through this process.

Vivian Hanslmaier: But it has expired.

Jacob Billig: No, it's, we're being renewing.

Gail Marshall: It's not valid right now because it expired on 2006.

Jacob Billig: That's why we're renewing.

Gail Marshall: What's the sunset clause in the Township?

Chairman Deutsch: I have no idea.

Attorney Garigliano: The Town has a separate local law dealing with junkyards that prevented the establishment of future junkyards. That law was passed six or seven years ago. At the time there were three legally established junkyards in the Town that were allowed to continue. So it's not your typical look at the Zoning Law, look at the non-conforming use provisions and apply those tests. There is a specific provision in the Town of Liberty Code apart from the Zoning called the Liberty Junkyard Law which governs this process and they are going through the correct renewal process for their permit. It has taken a long time because this Board has asked a lot of questions. They came in and applied for a renewal. Expecting, I guess, to get it back in the mail. That didn't happen and this Board has asked a lot of questions which is why this is taking so long.

Gail Marshall: Okay, we appreciate your questions.

Jacob Billig: This is one of many iterations of a plan. This is actually a second public hearing. There was an earlier public hearing which I'm sure some of you were at. And now the plan has matured to this based on the work the Planning Board is doing and they felt it was deemed necessary to have another hearing.

Attorney Garigliano: The biggest change is, just as an FYI between what was before the Board at the time of the first public hearing and what's before the Board now, is that there was a very skimpy business plan that didn't deal adequately in the Board's view with the safety of the water supply, that didn't deal adequately with the hours of operation, that didn't deal adequately with the ingress and egress issues, all of which the Board has asked them over the last couple of, almost two year period, to tighten up. And when the Board was satisfied with the new plan, which I am taking based on the questions that nobody came and got it and read it, that only when the Board was satisfied with the plan, did they schedule it for a second public hearing, but the proposed Management Plan now is in far different form and in much more detailed than the Management Plan that was suggested at the time of the first public hearing. Is that correct?

Chairman Deutsch: That's correct. But also, I want to add that at the time of the first public hearing their stated intent was completely different from what it is now.

Randy Wasson: True.

Attorney Garigliano: So that's why there is a second public hearing and that should address your question of why it's taken so long. It's taken so long because the Board asked a lot of questions.

Gail Marshall: How I found out about this particular situation, review, was somebody putting a notice on the outside of my mailbox telling me about the hearing, as he rode through and he did to many of the people in my area. I'm opposed to the fact that a lot of my local residents are not able to come today because it's a voting day. They work during the day and they are voting at night and they are not accessible to come here and voice their concerns on this. And a lot of our people are weekenders also.

Attorney Garigliano: We accept written comment and we'll consider keeping the public hearing for a few days for written comment in case that impacts anybody. That will be up to the Chairman but we can do that.

Gail Marshall: Okay, but I would like to have time to review their proposal, go to the Planning Board and review it and make comments because I haven't had the opportunity to do so. I would be impacted because they would drive past my house. If they have any kind of air pollution it would filter down onto my property, 'cause I'm in the valley and they're not that far away from me. I have a very shallow watershed. The drinking water in our area is a spring rather than a drilled well. So I have significant impact concerns that I'm concerned about.

Jacob Billig: Just so you are aware, the DEC heavily regulates this business. The business plan that we have now continued to develop sets forth all the permit requirements. The client has been in this business for many, many years, knows all the DEC regulations very thoroughly. We of course have to comply with all those regulations concerning the crushing and the fluids and all those sorts of things. In fact DEC was up at the site over the Summer and found no violations.

Chairman Deutsch: It wasn't operating the day he was there.

Jacob Billig: I understand that. But they were there and there was no violations found.

MANY TALKING AT ONCE

Chairman Deutsch: Okay, wait, wait, wait, hold it, hold it. I need one at a time and stating who you are. I can't have everybody talking at once. Did you have something that you wanted to ask?

Ron Deppa: I deliver mail. I am a Town of Bethel resident but the traffic goes by my house. You can see it from my mother's house, the junkyard. In the Summertime, the windshields glisten in the sun. It's not something you really want to see and if it gets bigger it will affect property values. Also, I know the families that live up there past the junkyard are fighting with this terrible road. Three of four families and nobody fixes it except some people that are living up in there and they haven't made any effort at all to fix that road, what happens when they start running commercial vehicles down a brand new Town of Liberty road and they wreck that, who's going to fix it?

Chairman Deutsch: Okay, anyone else?

Vivian Hansmaier: You said that it has changed from what they originally applied for?

Gail Marshall: So what are they asking now?

Attorney Garigliano: The application. We can't sit here and describe the application to you.

Chairman Deutsch: You need to go to the office and get a copy.

Secretary Nancy Saucier: We're open 8:30 to 4:30 Monday through Friday.

Gail Marshall: Thank you.

James Torrens: I'm the one that takes care of that road. I'm the one that lives over the hill behind this junkyard. I work very hard to keep this road open for everybody. Nobody pays me any money for taking care of this road. Last year up past the neighbor's house the snow drifts and I plowed the snow as best as I can and what happened was in the Spring, when Spring came, we weren't able to drive on the road anymore because of the snow on the road from the big snowdrifts and finally as a result of that we had to drive on the edge of the grass. And as a result of this the neighbor threatened me that I had to fix this road or he was going to sue me. In turn he got an attorney and he sent me a bill for \$2,300.00 to fix this couple of ruts on the side of the road. Well to stop anymore fight I went up and fixed the road myself. I'm the one that's been fixing the road for the last I don't know how many years. We went and asked the fellow if he wouldn't mind giving us a hand fixing the road. He said, "I got a four-wheel drive truck. If I can't get in and out, I'll fix it myself. Get the hell off my property." I mean, come on. I do the best I can so everyone can get in and out. I'm the one that does this and this is how I get repaid. Because of my snowplowing efforts. He drove through there as well as the other neighbors and it got pinned on me. As a good faith neighbor I went up and fixed it myself. I went up and raked it out and put grass seed down. I did the best I could. And this is what getting. I'm concerned about my well, it's within 100 yards of this thing. In the one main field on the top, there's a big pond there and the overflow if it runs right down through the center of all these cars and ends up in a brook which ends up down in Briscoe Lake. I don't know if anybody is taking all this into consideration. There's a lot of stuff going on there. I do the best I can and then I see he's got to try and put a gate across the end of my driveway, so if I want somebody to visit me, if you want to come visit me, I've got to go down and physically let you into my driveway to go to my house? Come on, this is ludicrous. Why would somebody want you to live like this? I can't believe it, I can't even fathom it.

Chairman Deutsch: Anything else?

James Torrens: I guess not. If think of something else, I'll let you know.

Chairman Deutsch: Okay. Anyone else? Anyone have any other?

Pat Durney: I live in Briscoe. That junkyard was never really highly used. It was owned by a family and they picked up cars with a little tow truck. How are you picking up cars and how many cars are you going to be wrecking up there?

Jacob Billig: We will be operating in the same historical fashion it's always been operated in. I disagree, well you're entitled to your comments but we disagree with conclusion that it wasn't really operated. There was a significant operation there for many years. So that's all I'll say.

Pat Durney: One person with a tow truck. How are you going to be bringing cars in?

Jacob Billig: We will, the cars will be delivered by truck. Probably have a mobile crushing unit coming in. All the fluids will be taken care of. All the stuff that we've outlined in the business plan we will be following basically.

Pat Durney: How many cars are you expecting to crush?

Jacob Billig: I really don't have a specific number. I mean the operation will be continuing the way it was.

Pat Durney: Well evidently it's not continuing the way it was because you're going to be crushing a lot more cars than he ever did. Was there any damage to that land done by him storing all those automobiles on it? Is the land already contaminated?

Jacob Billig: No the land is not and it was well taken care of.

Pat Durney: It was tested or not tested?

Jacob Billig: There is no requirements for any kind of testing wells.

Pat Durney: You know I don't know much about this but it just seems to me that once you have a little junkyard, this junkyard can now become a mega-junkyard?

Jacob Billig: Well that's why the Board has taken great pains to keep it within the historical boundaries of it. Actually, all the woods and everything were used to store cars and operate a junkyard and what we've done is we've restricted the use to this dotted line which is a smaller area of the property. So we're actually going to be using less in a smaller area than has historically had been used.

Pat Durney: I'm pretty familiar with that I knew it was not a big operation. What sounds to me as though you're going to have a big operation.

Jacob Billig: We are, again, .

Pat Durney: Does it matter how many cars you crushed. And I know him, I guess we could find out from him how many cars he actually processed.

Jacob Billig: We did submit an affidavit and it was well into the thousands.

Pat Durney: We're talking about apples and oranges. You know are we talking about the same kind of a thing?

Jacob Billig: Again, all this is in the file.

Chairman Deutsch: Yeah, I would recommend that you look at the file and see what was submitted.

ALL TALKING AT ONCE

Attorney Garigliano: Hang on a minute. One at a time.

Pat Durney: We are rebuilding Briscoe Lake.

Chairman Deutsch: Excuse me?

Pat Durney: We are rebuilding Briscoe Lake, so we are very much aware of what's happening around that area and we should have been aware of this but we weren't. To me it sounds like it could possibly be a gigantic pollutant.

Attorney Garigliano: What we've done in terms of the size of the area is we've gone back and looked at historical records and we've applied the new limitations which now require, and never did, that everything be 50 feet off the property line. So, if you take a look at our concerns, the Board's concern has been the footprint and we've gone to great pains to document exactly where the limits of the area are. And there are limitations on them not stacking the cars up in the air. So there's the practical limit of the land area and the land area that's proposed to be used prospectively is much less than the land area that was used in the past because of the new law that I was pointing out to Gail.

Pat Durney: When this was a one family operation they put those cars wherever they wished and they sold parts from them so....will you be selling parts or just crushing cars?

Jacob Billig: We'll be doing both.

Pat Durney: You'll be doing both.

Jacob Billig: Which is what the prior owner did. Basically everything that the prior owner was doing, we will be doing.

Pat Durney: This was one old man at this point, so he really wasn't doing very much of anything for very many years. So you are really are not doing what he was doing.

Jacob Billig: I would disagree with that generalization.

Pat Durney: Okay fine.

Jacob Billig: I mean someone, so, just so the record is clear.

Pat Durney: We live there, we know what's going on there and I'm sure ...UNCLEAR....big operation, but we live there, I can see the cars go in there.

Chairman Deutsch: Anything else?

Pat Durney: No, thank you.

Gail Marshall: I have two parties that may not have been properly notified of this meeting that are not in attendance here and it really concerns me. David Weiss who I've met on the tractor back and forth who told me about this junkyard about a year ago,

about his extreme concern about it, because he owns Dixon's property which is adjacent to this. The other one is Charles Ramat who is building a gated community up on my hill. His vista is the garbage dump. And he's not here.

Chairman Deutsch: I don't believe his property line is within 500 feet.

Gail Marshall: I know but his vista that he's selling to his top of the line clients will overlook clients will overlook the junkyard and they're not here and that's my concern.

Jacob Billig: So if he was going to build that operation 25 years ago they would have had the same vista. I mean they moved.

Attorney Garigliano: Jacob it's not a question and answer session.

Jacob Billig: True. You're right

Chairman Deutsch: So anyone else?

Pat Durney: How do we get a copy of this proposal? Can I pay for one now and go tomorrow and pick one up?

Chairman Deutsch: You can go to the office tomorrow and get a copy.

Pat Durney: Okay and how much does it cost?

Secretary Nancy Saucier: Twenty-five cents a page, it comes to \$2.00 for their business proposal (Management Plan).

Attorney Garigliano: For their business plan, if that's what you want. The file is pretty big.

Secretary Nancy Saucier: It depends. I had someone come today that had the eight page business proposal copied and it was \$2.00.

Pat Durney: And how big is the other plan?

Chairman Deutsch: The file is huge.

Secretary Nancy Saucier: You're welcome to come and look at it.

Chairman Deutsch: Anyone else? Questions, comments, concerns. Anybody?

Pat Durney: Has anyone looked at that road? I mean this is a little tiny road that's just been blacktopped again and the year before that it was in horrible condition and people couldn't even go through it because it was all washed out. Can this road substantiate traffic from trucks?

Chairman Deutsch: Are you talking about Willi Hill Road or the driveway going in?

Pat Durney: Willi Hill Road. Absolutely.

Chairman Deutsch: Okay. Yeah, everyone has looked at it.

Pat Durney: Huh?

Chairman Deutsch: Everyone on the Board has looked at it. Okay. Last call for any comments on this issue.

Dolores McEneaney: I live on Briscoe Road. I heard somebody ask about testing the ground water. If wasn't tested, why isn't it being tested. I mean if you're going to let these people do this, it'd be nice to know if the ground water is clean now and to make sure that they keep it clean. We live there, we have children and grandchildren. It's important to keep them healthy. I'm very worried about that. So I would like to know if the ground water is going to be tested and if it isn't, why? Because if it's not clear when he starts, or it's already defiled, he's going to make it worse and we have to live there and we are raising children and grandchildren there. So it's really a very big concern. It is being tested or not?

Chairman Deutsch: Thank you for your comments. We are taking everything in consideration.

Dolores McEneaney: But you're still not telling me.

Attorney Garigliano: It's a public hearing, not a question and answer session.

Chairman Deutsch: We're here to take all your comments and we will take everything under advisement, consider everyone's concerns. That's the purpose to have you all voice your opinions and concerns. Anyone else? On this issue?

Mr. Durney: Is the owner here, the person that wants to do this?

Applicants made their presence known.

Mr. Durney: What do you have to say about this?

Chairman Deutsch: Wait a second, that's not, this is not the forum.

Attorney Garigliano: If you want to address the plan, address it.

Chairman Deutsch: We're here to hear your concerns but it's not question and answer.

Pat Durney: Are you as the Town Board.

Chairman Deutsch: We're the Planning Board.

Pat Durney: Planning Board, is it up to you to ensure that all these waste fluid reports, police book, hazardous substance designations, vehicle dismantling permit, is it up to you to see that all this stuff is done, or is this willy-nilly, and if it gets done and if it doesn't it doesn't.

Chairman Deutsch: It's not wily-nilly, we have to look at everything before we make our considerations and require what is necessary to require.

Attorney Garigliano: If she's asking about the filings that are periodically required by the DEC, they're filed with the DEC. If it's NYS Motor Vehicles, they're filed with Motor Vehicles. They're not filed here. I think that's what she's asking.

Chairman Deutsch: Is that what you were asking?

Pat Durney: Yeah. A body that looks over and makes sure there's nothing funny.

Chairman Deutsch: The State agencies that are supposed to.

ALL TALKING AT ONCE

Lynn Dowe: Or are you wondering who is going to check it in the future.

Attorney Garigliano: Who is going to check on the State agency to see if the State agency did what they're supposed to do?

Lynn Dowe: No who is going to check on the junkyard.

Jacob Billig: The State agencies. As I stated earlier, we're pretty heavily regulated by them.

Chairman Deutsch: Last call. Yes?

James Torrens: I just hope you take into great consideration that shares the road with this person with the issue of the gate. I have a great issue with that and I'm worried about my family. I have little children, kids. I have been living there for 10 years.

Chairman Deutsch: That's it?

**MOTION WAS MADE BY LYNN DOWE AND SECONDED BY DEAN FARRAND TO CLOSE THE PUBLIC HEARING BUT TO KEEP IT OPEN UNTIL TUESDAY NOVEMBER 11<sup>TH</sup> FOR WRITTEN COMMENTS. APPROVED.**

Jacob Billig asked the Board if they could go right on this project. A short discussion was held and it was determined that they would finish the public hearings first.

**PUBLIC HEARING:**

**Camp Bais Yaakov**  
Special Use Permit  
Stanton Corners Road  
SBL: 46.-1-57  
Zone: RD

Ten notices sent, 8 green cards received. Yosef Newhouse appeared for this project. Chairman Deutsch asked if there was anyone present from the public. No one appeared.

**MOTION WAS MADE BY DEAN FARRAND SECONDED BY JOHN VAN ETEN TO CLOSE THE PUBLIC HEARING. APPROVED.**

**PUBLIC HEARING:**

**Dan Rodrigues**  
Special Use Permit  
Hysana Road  
SBL: 30.-1-34.3  
Zone: RD

Thirteen notices sent, 13 green cards received. Dan Rodrigues appeared for this project. Chairman Deutsch asked if there was anyone present from the public. No one appeared.

**MOTION WAS MADE BY RAY KELLY SECONDED BY PETER STETTNER TO CLOSE THE PUBLIC HEARING. APPROVED.**

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

Jacob Billig and Randy Wasson appeared again for this project.

Attorney Garigliano: I've had a question all along about the gate and I think from my standpoint we need to clarify that in terms. Does the applicant recognize an easement in favor of others through this road?

Jacob Billig: Yes.

Wm. Bradley Burnett: The gate was always there, for thirty years the gate was there.

Jacob Billig: We recognize the right-of-way. Brad we recognize the right-of-way.

Robin Geiger: There was a gate where everybody had a three-way lock.

Jacob Billig: They have a right-of-way. I guess the way that they dealt with it...

Attorney Garigliano: I understand how they dealt with it. But I'm not sure the way they dealt with it, if you want to give us some research that says you can gate it out there then we'll be happy to accept it and look at it, but I don't believe you're going to find that that's the case. I think if you have people that are residing there on a permanent year-round basis that you're going to find some case law that says that you can't gate it because it's not reasonable for someone to get out and deal with a daisy-chain of locks each and every time they want to come in and out and for their guests and for their invitees. Whether or not it was there before, and I recognize it was, I've had a concern about the gate. I was going to at some appropriate moment raise it and given the testimony at the public hearing, I wasn't sure until the public hearing that the people that lived back there did live back there as permanent residents. If they do, if you think you can gate it with a daisy-chain of locks, tell us that, give us some research and if you

would prefer to move the gate, then move the gate down to the area where you go up to the field.

Jacob Billig: We will take all the comments under advisement. I'll talk to the client.

Attorney Garigliano: I'm not expecting an answer tonight. I just want you to know.

Jacob Billig: I understand. I think it's wise that we don't. We'll just think about it, but we do understand the issue.

Attorney Garigliano: Dean, you had some?

Dean Farrand: Go ahead start.

Chairman Deutsch: Go head.

Dean Farrand: Most of mine were on the waste disposal issues.

Chairman Deutsch: I'm sorry, just aback to the road. I know that there were also concerns regarding the condition of the road and emergency vehicle access.

Peter Stettner: How are fire engines going to get up there?

Attorney Garigliano: You know we're lucky to have dealt with that issue in about 1987. The Liberty Town Law today wouldn't allow this crummy situation to exist. But this is one of many crummy situations that pre-date your current well-drafted Code and there is no, to the best of my knowledge, Jacob, while you're looking for some title things for us, give us some indication that there is no road maintenance agreement. We got that indication early on and I believe that's the case, but you have a title report that will tell you. I don't think, I think it's up to the property owners under these circumstances to work it out unfortunately, which means they probably won't.

Jacob Billig: I'll research it just for the Board's clarification. I don't believe there's a requirement in terms of a maintenance agreement, which might be something more prevalent now. At the time there wasn't.

Attorney Garigliano: I'm sure there was no requirement, but sometimes people put some language in deeds in the old days, but I doubt it, but we'll check.

Peter Stettner: If there's a fire up there, we just let it burn?

Attorney Garigliano: Well the gate issue we're taking care of.

Peter Stettner: Because there's no way a fire engine is going to get up there or the fire equipments going to get up that road. I could hardly get up there with my truck. And if there's a fire up there, he's got a 1000 tires stored. No.

Attorney Garigliano: We'll address it.

Peter Stettner: He's got combustible materials up there. Gas, oil.

Attorney Garigliano: So, you're suggesting as a condition of issuing their renewal of the license, you would want the road improved to a standard passable by an emergency vehicle. You don't believe it's at that standard now.

Peter Stettner: It definitely is not by that standard. I think that road should definitely be improved.

Chairman Deutsch: Any other thoughts on the road while they're on the road?

Ray Kelly: I believe somebody asked if you would be selling parts. One of their phrases and you answered yes.

Jacob Billig: I'll just check with Brad. The plan is you will be selling parts.

Ray Kelly: there's no description of selling at this standpoint for parts in any discussion. There was supposed to be a dismantling, scrapping and crushing operation and not a retail or selling of parts from what I understood through all this.

Lynn Dowe: Yep.

Chairman Deutsch: That's not in the plan at all.

Ray Kelly: There's a whole set of different issues if it was going to be the selling of parts for retail. Whole different permits.

Jacob Billig: When you scrap, when you dismantle a car, by definition you're selling parts.

Chairman Deutsch: It's different. Completely different.

Ray Kelly: It's different. Completely different. This issue was addressed a year and a half ago that this was going to be a dismantling and scrap operation.

Attorney Garigliano: Nancy has got all the prior testimony before the Board, but I think you're going to find that to be the case. So let us know if that is the intent.

Dean Farrand: The Management Plan. Tires stored at the facility in what manner. What are they going to be stored in?

Brad Burnett: There are no tires.

Chairman Deutsch: You're saying that you have 1000 tires.

Dean Farrand: It says no more than 1000 tires will be stored at the facility at a time, so there's going to be storage there for some period of time.

Brad Burnett: Waste tires that are produced from crushing cars will be put in box trailers as soon as they come off cars until they're moved to the facility that takes the waste tires.

Dean Farrand: So they're stored in box trailers?

Brad Burnett: We may have a few, like a couple hundred on the ground while we're waiting for the next box trailer to come, but at all times they'll be moved as fast you make them, they'll never accumulate.

Attorney Garigliano: I can tell you where the 1000 came from.

Dean Farrand: That's the DEC limit right?

Attorney Garigliano: Right under that it doesn't require a DEC permit.

Dean Farrand: Right, I just wanted to know where they're going to be stored. Just laying around on the ground or in box trailers. You say in box trailers.

Jacob Billig: We will amend the plan to clarify that.

Dean Farrand: The same general comment goes for the rest of the fluids. It says they'll be stored, they're not saying really how they're going to be stored, where they're going to be stored, the length of time for storage. I think they're all issues that need to be identified in this plan.

Chairman Deutsch: If you go under your operational control on page 4, you say that "in such a manner as to prevent off-site migration or runoff". But you don't say how you're going to do that. #2 you say "dust shall be effectively controlled so as not to constitute nuisance or hazard". But you don't say how that's going to be effected. Then #3 you say, "vectors using techniques appropriate for protection". What does that mean, what are the techniques? Please make sure that we know.

Jacob Billig: It's a little vague.

Chairman Deutsch: Absolutely. Number 4, "fluids shall not be intentionally released on the ground or to surface water". You have nothing covering – what about accidental. How that's going to be prevented and if it does happen, what are you going to do then. So under your operation control you have really too vague information.

Dean Farrand: Is it going to be stored in 55 gallon drums, it is going to be sitting out on the ground and you know a year later.

Chairman Deutsch: Yes, the same thing under waste handling. Shall be inspected on arrival on vehicles. It doesn't say how, where, what. When it mentions the containers, the closed containers for fluids, it doesn't say where they're being placed, how much is being stored or for how long it's being stored. Same thing on scrap handling, you have when a full load is acquired. You're not defining what a full load it. Under disposal of unauthorized waste. What type of unauthorized waste? What are you talking about exactly and then what are you going to do with it exactly? It's way too vague.

Jacob Billig: Okay that would relate to DEC regs, which we'll provide a little more detail to you. I understand your comment.

Ray Kelly: Didn't we at one time want all the removal of fluids to be done on concrete pads.

Chairman Deutsch: Yes.

Lynn Dowe: Yeah we did.

Ray Kelly: There's nothing in here for that. It doesn't say where they're going to be doing it.

Dean Farrand: Nor where they're going to store it until it's taken off the site.

Attorney Garigliano: Unless they're not going to do that.

Chairman Deutsch: Well, and it keeps changing.

Attorney Garigliano: There was at some point an indication that they will only do that in the portable containment areas at the time the vehicles were crushed.

Chairman Deutsch: But that's not what this is saying. It's changed again, it keeps morphing into a different plan.

Attorney Garigliano: I'm not sure that this gives them the authorization to do it on or off concrete pads. I think it says that they'll only do it in connection with crushing operations, which means it will be in the portable containment areas that come with the car crusher. That's how I read it. I'm not reading it as authorizing to do it anywhere they want. I'm reading it as saying they're not going to do it. I mean Jacob can check with them and I think that's maybe the answer. I'm not sure.

Dean Farrand: We did have that conversation, but this document keeps talking about storage of, storage of.

Jacob Billig: Technically there will be some minimal storage time when the crusher operation is occurring, but it's all done in and around the crusher and then moved.

Brad Burnett: TOO QUIET.....if you have a portable crusher at work, after you crush a hundred cars, or you might have 300 hundred cars, whatever is decided. And then you crush. It's like. Crushing is a hard thing because of price also. When price is way down a junkyard person doesn't crush, if the price is up, they crush. So like in today's world you might be holding, where back in April he wasn't holding because it was worth a lot of money. That's sort of, it's market driven.

Attorney Garigliano: Well when you crush, Jacob, how do the fluids get handled. Let's go through that once again.

Brad Burnett: What happens is, the DEC has special regulations for portable car crushers. I am a licensed portable car crusher. I do it all over. I have no problems, you can check me out with the DEC. We put down steel plates and what they really were, were old truck bodies with no holes in them. Two plates 20 foot long, they're eight foot wide and we got them together. And then we laid rubber all over the top of them. And then on top of that we lay a dish. Like if you had a saucer for your coffee, but it's really made out of metal with an edge on it, and we circle around the whole thing, so that anything that was to spill is easily caught and then if anything is dropped, we clean it up immediately with Speedy-Dry. And anything that we rake goes into a garbage can and is disposed of properly. You know that any oil, once its wiped up with Speedy-Dry or if  
TAPE FLIP

Brad Burnett continued: all of you know has four quarts of oil, or maybe five. Maybe five to eight quarts of transmission fluid and gasoline. Well gasoline is very valuable, so you definitely don't let that just go anywhere. You collect it and then you the way that you going to get rid of it, which might be in 55 gallon drum for instance, but that's not what we use. We use the great big heavy old LP tanks that you couldn't drive a fork through if you wanted with a loader, so that nothing would ever happen to them if they were bumped or banged. And no holes would ever get in. So we have one tank like that that holds about 300 gallons for gasoline. One tank that holds 300 gallons for oils and one tank that's for anti-freeze and one tank that's for bad stuff. What bad stuff is, it

means that when the guy who brought you the car or your neighbor decided to dump three different items in the gas tank and you look at it and say "Eew, this isn't good", you put in the bad tank. One company comes and pumps all those tanks out except for the gasoline, which we usually use ourselves. And like that's Lauzon right now, that's who we use pretty much it's their side guy there, Bob John. And he comes and pumps our tanks out from every job that we go to. While we're draining these cars if there's a spill, as soon as the spill happens we clean it up. You know, I tell you the truth I just crushed Fast Eddies in Monticello this year. 2,200 cars in one spot and the DEC came and inspected me while I was doing it and after I did it and they couldn't even believe there were cars there. So if any of you people want to just check us out, go to Fast Eddies, ask them or ask the DEC the kind of job I tend to do. There's no reason in being a dirty person if you want to be in this business. You need to be a clean operation.

Attorney Garigliano: Two things. Your client who is very neat and clean could sell his junkyard to Joe the Ragman tomorrow, so we're going to have the right controls in place. The second issue is, our question is much simpler than the answer we got. Is there any proposal here to drain fluids from vehicles at any time other than when there's a portable crushing operation. Because the answer we got in the past to that question was no.

Brad Burnett: I believe that that, there will that, that we will drain fluids because you asked me in the beginning if I was going to keep cars for any length of period that I should take the fluids out. And first of all most times that a car would come in, in today's world, we will pump the gasoline out right of way because what six month gasoline is like to today's gasoline. Even at \$3.00 a gallon it's still a very valuable product. As far as oils go, not normally.

Jacob Billig: So you're planning on removing fluids other than when you crush cars. Or are the fluids only going to be removed as you describe for when you crush the cars?

Brad Burnett: I really would probably only take gasoline first. And when the cars, I don't have a personal problem and DEC doesn't have a problem with putting old cars out in the field. The Board at one time asked us if we wouldn't do that if we were going to keep them for such a length of time, so that's up to the Board I think.

Chairman Deutsch: Yeah, we did not want new cars coming in, being put in the field that had fluids in them. Absolutely not.

Attorney Garigliano: Unless they were only going to be staged there for the purpose of crushing them.

Chairman Deutsch: Right for short term.

Jacob Billig: And Brad is honestly saying he's not sure.

Attorney Garigliano: If they were going to be kept there, I think we're on the same page on that. But I'm not sure we're on the same page as to whether or not there needs to be an area where they're going to take the gasoline out.

Jacob Billig: For those cars that they're not crushing.

Attorney Garigliano: Correct.

Jacob Billig: Which would be the newer cars that might sit there.

Attorney Garigliano: Well the 1957 Chevys.

Jacob Billig: The old cars that have been sitting there. Alright, so that's something we need to talk about. But I think he went at length to describe how the crushing operation occurs, how the fluids are removed, the protections relative.

Dean Farrand: When they're put into 300 gallon storage tanks.

Chairman Deutsch: Which are staying there.

Brad Burnett: Actually those are kept in a 30 yard roll off container, which I know that you all know what is, and we move them from job to job. And when we come into a new job they're already pumped out and before we leave that job or every time that they're

close to full, we call the waste oil guy to pump them out. So to get back to where you're going at it where are we going to drain the fluids if we're going to drain fluids before that and I would have to tell you that my first thing would be I could build the exact same thing as I use for portable car crushing very easily unless you thought you should have something better. And all we're really trying to do here, no matter what we put it on, it keep fluids from going into the ground or touching the ground and that's the main purpose of this. It's all about cleanliness and caring. If you don't care, it will always be a mess. If you care, it isn't a mess.

Jacob Billig: The 300, all those containers, those are all in the roll-offs and they're mobile and they move. They're not permanently there.

Dean Farrand: So they move with the portable crusher.

Jacob Billig: Yes, all the fluids, the crushing it's all mobile.

John Van Etten: They're not full when they're moved is my understanding.

Jacob Billig: No Brad is saying they get pumped off.

Brad Burnett: Yes. In a crushing operation. When we do a car crushing job, we do the whole job for the customer. The customer just says, "look, there's 200 cars, we want them gone." Then it's our job to do it friendly to the environment and do it right. Or else I wouldn't be in business for 26 years.

Attorney Garigliano: Jacob, I want to make sure you understand. When we say we want this right it's not because it's being critical of your client who has been in business for 26 years. He could in business for 26 years and a month and sell this and we're going to make sure that everything is in place to protect the environment assuming the next guy may not be as careful as your client.

Jacob Billig: We understand. I'm glad that Brad has made a point publicly of his record with DEC and we understand why you're asking the questions and we're fine to give you more detail and I think Brad's small dissertation as to how the crushing operation occurs, maybe we will annotate.

Attorney Garigliano: Let's go back to the reason we asked the question and I think that whatever Brad wants to propose, whether it's a concrete slab, whether it's two truck bodies with a dish, whether it's whatever he wants to propose, if you're going to take fluids out, I'm sure this Board is going to want you to have somewhere that's regulated and known to do that so it's not happening here, there and everywhere on the property.

Jacob: Fair enough.

Attorney Garigliano: Correct Dean?

Dean Farrand: Yes.

Attorney Garigliano: That's all we're saying.

Jacob Billig: Fair comment and we understand.

Attorney Garigliano: And when gas is \$5.00 we know he'll take it out.

Chairman Deutsch: Did you have any other questions for him.

Attorney Garigliano: All I think we can do is, we'll put this on the agenda for the next meeting, by then you can get back to us.

Jacob Billig: We will look to amend the business plan to provide a greater level of detail relative to the comments.

Attorney Garigliano: Try to get that to Nancy so it can go out in the packets in advance of the next meeting.

Jacob Billig: Which would be two weeks before?

Chairman Deutsch: Yeah, it's really not good when you give it to us the night of the meeting.

Jacob Billig: We'll try to have it to you in a week to 10 days which is what we plan on.

Ray Kelly: Will the unit be stored on this facility?

Jacob Billig: Will the crusher be stored on this facility, the car crusher?

Brad Burnett: It might be.

Jacob Billig: I mean, let's define it. You might bring it up there to do a job and it might be stored for a day or three.

Brad Burnett: That's, here's the question. I own that property, so if I don't have a job somewhere else, then I'm going to leave the crusher sitting there. I'm not going to move it from jobsite to jobsite it wouldn't be cost effective.

Ray Kelly: Would the crusher be set up to take cars and do them one or two at a time, or would you leave the crusher in storage.

Attorney Garigliano: He's going to batch crush, right?

Jacob Billig: Right.

Ray Kelly: And wait until you got two or three hundred cars and then set up the crusher.

Attorney Garigliano: What Ray is asking is whether you'll have a continuous flow operation. It doesn't happen that way.

TAPE UNCLEAR

Brad Burnett: A couple hundred cars at a time.

Jacob Billig: We'll do it in batches. And that's a little more detail we can also put in the plan. So that's also helpful.

Chairman Deutsch: Any other questions?

Dean Farrand: So the only real perceived storage of fluids right now would be gasoline? The only real perceived storage of fluids right now on site would be gasoline?

Brad Burnett: Your person, and I'm not saying person. You're asking me to, you know. I think yes there are times you're going to have other oils and I see that's not really a problem. I'm gonna give you. This is what we usually do even at my own yard. To store fluids at my own yard, what the DEC requirements are is that it has to be in a contained building or under cover with barriers all around it. TAPE UNCLEAR. That's all they really want, that's the law. In a small operation like on Briscoe Road, the right thing to probably do would be to go buy a 20 yard overseas storage container, okay? And you put a barrier in the front where the doors open. The rest of it is sealed tight. Then you put your three or four tanks in there and it's under cover and then any fluids you get are in there. And that way no rain water, none ever touches the ground, if there's ever a spill you can clean it up off of the steel floor. Very easy remedy, the DEC likes it. They were the same people who suggested when we moved job to job to use a 30 yard container to carry everything, because if anything spills in there, we can clean it up. Another little thing, I'm not allowed, or either are any people here, to move fluids without a permit and I don't have those permits. So that's why I have to have everything drained from job to job. I can't even have 200 gallons of gas to move from one job to the other is against the law. Five hundred fifty waste tires pounds is against the law to take to a site. That's DEC regulations.

Jacob Billig: So did that answer?

Attorney Garigliano: So you'll put something in here that says how you're going to handle it.

Jacob Billig: I think we have clarity on that now and we need to add something relative to that yes. I don't know if there's anything else.

Chairman Deutsch: The road.

Jacob Billig: Yeah, we've got to talk about that.

John Van Etten: Retail sales?

Jacob Billig: The retail sales I need to talk with the client about. Yes, I understand what your issue is with that. I've got to understand better the definition of retail sales.

John Van Etten: We need to talk about testing wells.

Jacob Billig: The testing, I don't know of any requirements to put testing wells on there.

Dean Farrand: I don't think there are.

Jacob Billig: No, there is no evidence.

Attorney Garigliano: We can ask Tom Shepstone if that's a reasonable requirement to impose or not and get his professional judgment back to the Board before the next meeting. I'm sure if he thought we should be asking for that, it would have been in one of his three or four reviews that he's done previously, but we can specifically ask the question to clarify the record.

Jacob Billig: Okay.

Chairman Deutsch: Anything else? Anybody?

Jacob Billig: Thank you.

**Camp Bais Yaakov**  
Special Use Permit  
Stanton Corners Road  
SBL: 46.-1-57  
Zone: RD

Attorney Garigliano asked if this project was sent to County for 239 review. It was not. Since it is bordering the Town of Thompson and the Town of Bethel, and is at the three corners of Sullivan County. There is nothing that can be decided until it has been sent for the 239 review. This project is to be brought back again on December 2<sup>nd</sup>.

**Dan Rodrigues**  
Special Use Permit  
Hysana Road  
SBL: 30.-1-34.3  
Zone: RD

The 239 review was done on this project and was determined to have no adverse inter-community impacts advised it was a matter for local determination. There was a technical note that the septic system will likely require upgrades to accommodate the number of bedrooms in the new home. That will be a building inspector responsibility. Attorney Garigliano read SEQR.

**ON A MOTION BY LYNN DOWE SECONDED BY JOHN VAN ETEN A NEGATIVE DECLARATION WAS DECLARED ON THIS PROJECT. ALL IN FAVOR. APPROVED.**

It was determined that the file was complete for this project.

**ON A MOTION BY DEAN FARRAND SECONDED BY PETER STETTNER THE SPECIAL USE PERMIT FOR DAN RODRIGUES WAS APPROVED. ALL IN FAVOR. APPROVED.**

**Nicolina Camarda**  
2 lot Subdivision  
92 Pearl Lake Road  
SBL: 1.-1-21  
Zone: RD

No one appeared for this project.

**Werner Colony Holdings LLC**  
Special Use Permit  
County Route 15 / State Route 55  
SBL 46.-1-6 & 7.1  
Zone: RS/RD

Randy Wasson appeared for this project. 239 County Planning review was received and showed no adverse inter-community impacts advised it was a matter for local determination. It was determined that everything had been done that the Board required. Randy said he believed so too but wanted the Board to note for future reference that there had been some discussion at the last meeting about the depth of water mains and sewer lines. NYS does not require that they be put below frost line. Randy said he'd just got some information from Terry Kelly that in another part of the Town Code they needed to be below frost line five feet. Attorney Garigliano agreed that it was for new installations after 1987. Randy said that when he spoke to the water superintendent, he didn't care if it was that deep or not, but the Code made a provision, not for the Planning Board do anything about but the Chief Executive of the Town, so he just wanted to say that their plan shows it at the proper depth, except that they are running out and they have to tie into the existing pipes which are only one to two feet down. Attorney Garigliano said they would have to go uphill to meet them. Randy said they would be coming down hill but getting shallower. And that on the uphill end they threw a couple manholes in and they put the pipes at depth. Attorney Garigliano said that that was the Board's intent to try and even with an extension, to get the new part to comply because the old part will eventually wear out and when it's replaced it will also have to comply. Randy said that it would be up to the client whether he wants to change that but for the purpose of this Board he believed they were okay, they were at the proper depth.

Attorney Garigliano said he had a list of questions from last time and he believed they were mostly addressed. There were some questions about the 40 foot separations between decks and they were done. Now the lighting now shows in the right spots. And they also have the right type of lighting fixture shown on the sheet and they were still in a discussion about the dumpster. After a short discussion it was determined that a recycler would be placed next to the 8x26 foot compacter/dumpster after the cement pad was made large enough to accommodate both and the enclosure enlarged to enclose the two due to the large amount of cardboard boxes that are discarded there, which was brought to the Board's attention by Mark Van Etten.

Attorney Garigliano read SEQR.

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

**ON A MOTION BY DEAN FARRAND SECONDED BY LYNN DOWE THE SPECIAL USE PERMIT FOR WERNER COLONY HOLDINGS LLC WAS APPROVED WITH THE FOLLOWING CONDITIONS: #1. THAT A PLAN BE SUBMITTED AND APPROVED BY THE CHAIRMAN SHOWING A RECYCLER BEING PLACED NEXT TO THE COMPACTER/DUMPSTER AFTER THE CEMENT PAD WAS MADE LARGE ENOUGH TO ACCOMMODATE BOTH AND THE ENCLOSURE ENLARGED TO**

**ENCLOSE THE TWO - AND #2. THE WATER AND SEPTIC PIPES ARE PLACED AT A 5 FOOT DEPTH (CODE DEPTH). ALL IN FAVOR. APPROVED.**

**Michael Moriggia**  
Information Only  
State Route 55  
SBL 44.-1-54

Michael Moriggia appeared for this project. He wants to have in total eleven apartments and one office. Chairman Deutsch asked Mr. Moriggia about the location and number of cars. He explained that the cars were mostly gone and pointed out on the map where the remainder of cars were parked. The 18 cars would still be here and the office for him would be downstairs in a 12 X 16 room turning the existing stores into apartments. Above the garage is a two bedroom apartment that was pre-existing and still there but not in use because of the garage smell. He wants to turn the garage into a two-family. He wants two apartments in the building that houses the garage now and nine apartments in the other building.

Mr. Moriggia was asked if he had an architect. He said he just had the plan drawn up so the Board could see what he wanted to do. He said if he got permission to do the apartments he would have Kelly Engineering go in and draw up the apartments to Code and whatever Mark Van Etten wants and Mark would make sure that everything is to Code. Mark Van Etten said that to start he would need sprinklers throughout, fire separations between floors, and that there is a huge amount of upgrade if he was going to add to downstairs, the upper floors were at high risk so they would have to be updated. He also said that Mike has already changed the heating system so that each apartment is responsible for their own, added no insulation but did put propane in. It was a hot water/oil fired boiler so it's an even exchange as far as Energy Code goes, but if he is going to add apartments Mike may need to look at the Energy Code and start adding some of that in. Mike Moriggia said if he gets permission to do this at this meeting he will have Kelly Engineering makes sure whatever Mark needs he will give Mark and Mark will inspect and make sure he does everything correct.

Chairman Deutsch asked how many bedrooms each apartment would have. Mike said that right now there was a two bedroom above the garage. He was advised by the Attorney Garigliano that he would need to have a conceptual design done by the engineer, not plans to make Mark happy but a conceptual design so that the Board can size some of the things they look at by how many bedrooms. It was also discussed about open space around the apartments. It was determined that it doesn't need to be a huge amount of space but there does need to be some area available. Mark is to get the chapter on open space to Mr. Moriggia.

After more discussion it was determined that Mike Moriggia would be supplying a conceptual drawing showing the apartments and how many bedrooms in each so that the Board can figure for parking and settle any other issues. It will also need to show the exact size of the proposed office and the location of its bathroom. This project will come back for December 2<sup>nd</sup>.

**Samilik LLC**

Special Use Permit  
88 Ferndale Road  
SBL 36.-1-72  
Zone: RD

Sam Apter appeared for this project. He reiterated his issue with the property being that he cannot have the two apartments occupied downstairs because the property is zoned for a two family not a four family. Therefore, he cannot receive the CO for the two first floor apartments. He also stated that his attempts to purchase the neighboring property where part of his septic system is located is at a standstill. After a short discussion, it was determined that there would be nothing the Board could do to allow two more apartments until the property next door was purchased and the septic issue was dealt with.

**B.B.P. Ferndale, LLC**  
2 Lot Subdivision - Resigning  
9 Ferndale Road  
Co. Rd # 71 & Co. Rd # 175  
SBL 36.-1-110.2  
Zone: IC

The maps were originally approved on August 5, 2008 but not filed with the County. The maps are back before the Board for resigning.

**ON A MOTION BY DEAN FARRAND SECONDED BY RAY KELLY THE 2 LOT SUBDIVISION FOR B.B.P. FERNDAL, LLC WAS RE-APPROVED. ALL IN FAVOR. APPROVED.**

**Camp Bnos**  
Special Use Permit  
316 Ferndale Loomis Road  
SBL 36.-1-60.1  
Zone: RD

Meir Frischman appeared for this project. They want to build a synagogue at Camp Bnos. He explained the plans to the Board and the Board requested that he supply the Board with a Site Plan and plans for the synagogue to scale. Meir agreed to do so and will appear at the December 2, 2008 meeting.

**NOT ON AGENDA:**

**52 Liberty Inc. a/k/a SaveRite**  
Special Use Permit  
1885 Route 52  
SBL: 30.-1-76.1  
Zone: IC

Mark Van Etten asked for the Board's attention to discuss the guardrail situation on this approved project. Apparently due to an availability issue with Werlau the guardrails are not installed as per the plan. After a short discussion, it was determined that Mark could direct Mr. Jalus to have concrete blocks also known as "Jersey Barriers" or put lane dividers up in the interim and that they can be purchased or rented. Mark also told the Board the Mr. Jalus is going to remove the fuel tank in the front. Probably in the Spring. Attorney Garigliano told Mark that if he is going to give a temporary CO he should get financial security for him to finish. Because once you give him a temporary, it will last for 50 years. Mark said he'd never done that. Attorney Garigliano said Ken Klein has and either he or Attorney Garigliano will help Mark to do so, because Mark should make sure that he is holding more money than the guardrail will cost. If the guardrail is \$5,000 Mark should collect \$7,000. Mark told the Board that what Mr. Jalus wants to do is put up the square posts fencing like is installed at the Panda Parlor. The Board said that would be fine. But since they can't get the wooden posts in the ground because of the availability issue with Werlau, the concrete blocks or dividers should be used in the interim.

**ON MOTION BY DEAN FARRAND SECONDED BY LYNN DOWE THE MEETING WAS ADJOURNED AT 9:45 PM.**

**APPROVED** \_\_\_\_\_ **N. Saucier**