

**TOWN OF LIBERTY  
PLANNING BOARD MINUTES  
NOVEMBER 5, 2013**

**MEMBERS PRESENT**

Lynn Dowe, Chairman  
John Van Etten  
Denise Birmingham  
Judy Siegel  
Vincent McPhillips

**ABSENT**

Branden Reeves  
Lydia Rolle

**ALSO PRESENT**

Walter Garigliano, Town Attorney  
Mark VanEtten, CEO  
See attached sign in sheet

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**CHAIRMAN LYNN DOWE CALLED THE MEETING TO ORDER AT 7:03 PM.**

**ON A MOTION MADE BY JUDY SIEGEL AND SECONDED BY JOHN VAN ETTEN, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR OCTOBER 1, 2013. ALL IN FAVOR, APPROVED.**

**Ironic, LLC  
Special Use Permit  
Willi Hill Road (Town Road #86)  
SBL 42-1-17.2  
Zone: AC #2013-0027**

Chairman Dowe asked if there was anyone from the public who had any questions or comments.

Barbara Burton appeared from the public. Ms. Burton explains that she has to catch a bus so she is going to be very brief. She advises that the agenda appears to have special use permits and various zoning situations on it and she would strongly suggest that the Board table the entire agenda and not rush to judgment because additional new information has come through before Liberty once again.

Chairman Dowe asked if there was anyone else from the public who had any questions or comments.

No one is present.

12 hearing notices were sent, 9 green cards received and 3 outstanding.

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

Jacob Billig appeared for this matter. Mr. Billig explains that at the last meeting the Board reviewed the site plan and there were no additional comments and the Board was comfortable with the site plan. Mr. Billig questions the Board as to whatever conditions the Board is going to impose if they are the same for all junkyards. Attorney Garigliano advises that the conditions are different depending on what the application is for.

A brief discussion continued and the Board has agreed to set forth the same conditions as the previous approval.

Attorney Garigliano reads the conditions into the minutes.

- A. The future operations of the junk yard shall comply with the requirements of Chapter 93 of the Code of the Town of Liberty.
- B. The location of the junk yard use on the subject site shall be strictly limited to those areas historically used for junk yard purposes. These areas are depicted on the site plan. Areas outside the areas of historical junk yard use shall not be used for junk yard purposes and this approval shall not be deemed to extend to such areas.
- C. The use of the property as a junk yard shall be limited to historical operations. Those operations involved (1) purchasing and storage of junk motor vehicles at the property with hatch crushing of vehicles by a duly licensed mobile vehicle crushing equipment and (2) the purchasing, processing and resale of scrap metal.
- D. All future operations of the junk yard shall be strictly in accordance with Ironic, LLC Management Plan dated February 10, 2009, Vehicle and Heavy Equipment Dismantling Facility, Willi Hill Road, Town Road 86, Town of Liberty, Sullivan County, New York, Section 42 Block 1 Lot 17.2.
- E. Periodic water quality testing at the Applicant's on-site well, at intervals of not less than once every two (2) years, shall occur with reports issued by the testing lab to the Town of Liberty Code Enforcement Officer in not less scope

and detail than the report of OCL Analytical Services, an independent testing facility, dated June 30, 2009.

- F. This site plan approval shall be valid for a period of five (5) years only. An application for review of an updated site plan shall be made by the Applicant on or prior to October 1, 2018 and the site plan approval granted herein shall sunset on September 30, 2019 unless a new site plan has been approved by said date.

**ON A MOTION BY JOHN VAN ETTEN, SECONDED BY DENISE BIRMINGHAM, THE SPECIAL USE PERMIT FOR IRONIC LLC WAS APPROVED SUBJECT TO THE PREVIOUS CONDITIONS SET FORTH BY THE BOARD (WHICH ARE STATED ABOVE). ALL IN FAVOR, APPROVED.**

**Jon & Justine Sutherland  
Special Use Permit  
108 Somewhere In Time Lane  
SBL: 6.-1-1.3  
Zone: RD #2013-0029**

**BOARD MEMBER DENISE BIRMINGHAM ABSTAINS.**

Jon & Justine Sutherland appeared for this matter. Mr. Sutherland explains that they would like to establish a bed & breakfast in both their home and barn. Mr. Sutherland advises that the structures are on 2 separate parcels. The Board checks on the zoning of the parcels and determines it is in the RD zone. Mr. Sutherland explains that he has been in contact with the Department of Health and if they have 5 or less rooms and less than 10 people the DOH does not get involved. Mr. Sutherland explains that he does plan to stay under the 5 room and 10 people limit.

After a brief discussion it is determined that Mr. Sutherland will go forward with the bed & breakfast in his home and will apply under a separate application for the barn to be used as an Inn.

This matter will be scheduled for a public hearing at next month's meeting.

Attorney Garigliano explains that this is a type II action under SEQR because there are no physical changes being made to the structure.

**BOARD MEMBER DENISE BIRMINGHAM RETURNS.**

**Frank & Rita DeMayo**  
Lot Improvement  
Ferndale-Loomis Road  
SBL: 36.-1-64.2  
Zone: R-1 #2013-0030

Frank DeMayo appeared for this matter. Mr. DeMayo explains that he is trying to “tidy up” his mother’s estate. Mr. DeMayo explains that parcel 2A (0.04 acres) is to become part of parcel 1A (4.77 acres) creating 4.81 acres and parcel 1B (9.46 acres) is to become part of parcel 2B (9.78 acres) creating 19.24 acres.

**ON A MOTION MADE BY VINCE McPHILLIPS AND SECONDED BY JOHN VAN ETTEN IT IS DETERMINED THAT THIS IS A LOT IMPROVEMENT. ALL IN FAVOR.**

**Theresa Gozza**  
TLC For Young Children  
Special Use Permit  
SBL: 30.-1-75.5  
Zone: SC #2013-0031

Terri Gozza appeared for this matter. Ms. Gozza explains that she would like to establish a daycare center for pre-school aged children. Ms. Gozza explains that she feels there is a great need for this because there are not many day care centers in the area and this helps to get children prepared for school. Ms. Gozza advises that she will have a maximum of 30 children and 5 teachers. There will be a fenced in area directly behind the building for the children to go outside. The hours of operation will be 7:00 am to 5:30 pm possibly 6:00 pm depending on what the need is.

There were some questions regarding the septic system and it was determined that the parcel has municipal sewer. A brief discussion continued and it was determined that this matter will be scheduled for a public hearing and sent to the County for 239 review.

**ABEF, Inc. (Greentree Acres)**  
Special Use Permit  
594 Harris Road  
SBL: 48.-1-3  
Zone: IC #2013-0032

No one appeared for this matter.

Abbott / Ward  
Subdivision  
Dahlia Road  
SBL: 5.-1-45.8  
Zone: RD #2013-0024

Chairman Dowe explains that this a subdivision that was recently approved with conditions and has gone past the 60 days to file it with the County. Chairman Dowe explains that a letter was received from the County approving the curb cut as requested by the Board.

**ON A MOTION BY JOHN VAN ETTEN, SECONDED BY DENISE BIRMINGHAM, THE SUBDIVISION FOR ABBOTT / WARD WAS APPROVED. ALL IN FAVOR, APPROVED.**

**ON A MOTION BY JOHN VAN ETTEN AND SECONDED BY JUDY SIEGEL, THE MEETING WAS ADJOURNED AT 7:43PM.**

Respectfully submitted,

Tammy Wilson, Planning Board Secretary

The foregoing represents unapproved minutes of the Town of Liberty's Planning Board from a meeting held on November 5, 2013 are not to be construed as the final official minutes until so approved.

  X   Approved as read.