

**TOWN OF LIBERTY
PLANNING BOARD MINUTES
DECEMBER 3, 2013**

MEMBERS PRESENT

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

ABSENT

Lydia Rolle

ALSO PRESENT

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

CHAIRMAN LYNN DOWE CALLED THE MEETING TO ORDER AT 7:09 PM.

ON A MOTION MADE BY JOHN VAN ETTEN AND SECONDED BY BRANDEN REEVES, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR NOVEMBER 5, 2013. 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.

2 hearing notices were sent and 2 outstanding.

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

No one is present from the public.

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

BOARD MEMBER DENISE BIRMINGHAM RETURNS.

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

Board member Judy Siegel reads SEQR into the minutes.

ON A MOTION MADE BY JOHN VAN ETTEN, SECONDED BY VINCE McPHILLIPS, THE BOARD UNANIMOUSLY DECLARES A NEGATIVE DECLARATION ON THE TLC FOR YOUNG CHILDREN SPECIAL USE PERMIT.

4 hearing notices were sent, 3 green cards back and 1 outstanding.

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

No one is present from the public.

ON A MOTION MADE BY JOHN VAN ETTEN, SECONDED BY DENISE BIRMINGHAM, THE PUBLIC HEARING WAS CLOSED. 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 their home. It will operate 7 days a week and have no more than 10 people and 5 bedrooms.

A very brief discussion continued.

ON A MOTION BY JOHN VAN ETTEN, SECONDED BY VINCE McPHILLIPS, THE SPECIAL USE PERMIT FOR JON AND JUSTINE SUTHERLAND WAS APPROVED. ALL IN FAVOR, APPROVED.

BOARD MEMBER DENISE BIRMINGHAM RETURNS.

**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 advises that that there will be no more than 28 children and 5 teachers. The hours of operation will be 7:00 am to 5:30 pm five days a week.

Chairman Dowe advises that the 239 review from the County was received and it was a matter for local determination. Attorney Garigliano advises that the County did make a comment that they would like to see the garbage area relocated away from the play yard. Ms. Gozza advises that there will be no garbage left on site that she would be taking the garbage with her at night.

ON A MOTION BY JOHN VAN ETTEN, SECONDED BY DENISE BIRMINGHAM, THE SPECIAL USE PERMIT FOR TLC FOR YOUNG CHILDREN WAS APPROVED SUBJECT TO THE GARBAGE NOT BEING KEPT ON SITE OVER NIGHT. ALL IN FAVOR, APPROVED.

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

Glenn Smith, Engineer and John Cappello, Attorney appeared for this matter. Mr. Smith explains that the project was approved in 2008 for 95 doublewide mobile units and it was sold to the current owners who stayed with the 95 units but reconfigured the site and reduced the roadways and site disturbance on the property. There is an on-site water system that is in place, the wells are in place, an on-site sewer system, and a couple of pools

and the community building will also be put on site. Mr. Smith explains that his applicants had a public hearing in April for a modified site plan and that is when the issue came up with the Town Zoning no longer allowing mobile home parks. Since then the zoning has been changed and they would now like to continue where they left off in April. Mr. Smith explains that all of the required permits with other agencies are still in place and have been extended. Attorney Garigliano advises that before the zoning issue came about the Board was considering what level of SEQR Act action needed to be made on the new plan. He explains that the Board has 2 options to either go through a SEQR process from the beginning or just do a supplemental environmental review of the new changes to the project.

After a brief discussion it is determined that Mr. Smith will submit a supplemental SEQR for the modifications to the project. The Board advises Mr. Smith that if he submits the required paperwork that a special meeting can be scheduled for December 17th. Mr. Smith advises that he will submit the paperwork in just a few days and would like to be on the agenda for the December 17th meeting.

Darrin Edelglass
Special Use Permit
3319 State Route 52
SBL: 33.-5-13
Zone: SC #2013-0019

Darrin Egelglass appeared for this matter. Mr. Edelglass explains that it was determined that the plans that were handed out to the members were not the updated plans that were supposed to be submitted. He explains that he is trying to contact his agent to find out about the mix up and will get the correct plan to the Board as soon as possible. The Board questions the area between the roadway and where the cars are parked. Attorney Garigliano explains that the cars appear to be parked within the State right-of-way and that is not allowed. The Board requests that it be shown on the new plan the dimensions between the roadway and the property lines. The Board advises Mr. Egelglass that if he gets the new plans submitted he can be on the agenda for the December 17th meeting.

White Sulphur Homes
Subdivision
White Sulphur Road
SBL: 38.-1-43 & 34.12
(OLD) Zone: AC / RS (NEW) Zone: AC #2006-0038

Paul Savad, Developer / Attorney and Rob Cobb, Engineer appeared for this matter. Mr. Savad explains that they appeared in front of the Board November 6, 2012 at a public

hearing for the subdivision in which it was determined that the zoning had been changed to require 10 acre lots. It was brought to the attention of the Town Board and the Board has since then passed local #4 of 2013 which grandfathered this subdivision providing conditional approval was granted by December 31, 2014. He explains that it also grandfathered the Lake Marie Subdivision. Mr. Savad advises that the reason he is appearing is to let the Board know that they would like to get preliminary approval. Mr. Savad explains to the new Board members that it is 70.5 acres with 30 homes proposed. Mr. Savad advises that the project has received approvals from the DEC and the Town Engineer and that they were at the point of preliminary approval with the Town. Mr. Savad explains that they would like to have a public hearing in February to obtain preliminary approval. Attorney Garigliano advises Mr. Savad that since there are numerous maps for this subdivision that it should be clarified as to exactly what map is being used before the public hearing can be scheduled.

**Lake Marie Homes
Subdivision
Lake Marie Road / NYS Route 52
SBL: 35.-2-7
(OLD) Zone: RD / SC (NEW) Zone: SC #2006-0039**

Paul Savad, Developer / Attorney and Rob Cobb, Engineer appeared for this matter. Mr. Savad explains that there was an agreement with the Planning Board that they would not come for preliminary approval for 2 years and that they would be on the Planning Board agenda for October 2014 so that the Loomis plant would be ready. Mr. Savad explains that he spoke with Supervisor Barbuti and Terry Kelly, Eng. and that there is sufficient capacity in the plant for the proposed development. Attorney Garigliano asks Mr. Savad if the Town Board is going to contract with him as an outside user or if they are going to extend the sewer district to include the property. Mr. Cobb advises that he will verify this information and get back to the Board. Attorney Garigliano advises that the Board would like more information on the sewer situation.

**Yeshiva Gedolah Ohr Yisroel
Special Use Permit
249 Anderson Road
SBL: 2.-1-3
Zone: RD #2013-0033**

Bill Sattler from Adler Engineering and Mendel Geldzahler appeared for this matter. Mr. Sattler explains that his clients would like to make some interior changes to the main building. He explains that they would like to expand the classroom size and add some

showers to the mikvah. There will be no additions to the building the footprint will remain the same and all changes will be internal within the existing walls.

A brief discussion continued and it was determined that Planning Board approval is not required and that it is a Code Enforcement issue.

Machne Gila
Special Use Permit
NYS Route 55
SBL: 36.-1-13
Zone: R-1 #2013-0036

Randy Wasson, Engineer and Joel Rosenfeld of Machne Gila appeared for this matter. Mr. Wasson explains that Mr. Rosenfeld has recently received approval for the construction of an addition to the existing kitchen and dining room and has now decided after review that he would like to make the additions larger than what was approved.

Attorney Garigiano reads SEQR into the minutes.

ON A MOTION MADE BY JOHN VAN ETTEN, SECONDED BY JUDY SIEGEL, THE BOARD UNANIMOUSLY DECLARES A NEGATIVE DECLARATION ON THE MACHNE GILA SPECIAL USE PERMIT.

A brief discussion continued and it was determined that this matter will be scheduled for a public hearing for the January meeting and will also be sent to the County for 239 review.

Village Green / David Rubinstein
Special Use Permit
Coral Lane
SBL: 46.-1-20
Zone: R-1 #2013-0037

Randy Wasson, Engineer appeared for this matter. Mr. Wasson explains that he is in front of the Board for an interpretation of the Codes. Mr. Wasson explains that the project is located within the R-1 district which allows for single and two family conservation developments. He explains that in the definition for conservation developments it refers to cluster development and under cluster developments it clearly states that only single family detached dwellings can be clustered. All other dwelling types shall be considered multiple dwellings and the definition of a multiple dwelling is 3 units or more. Mr. Wasson explains that he is looking for some guidance from the Board. Attorney Garigiano explains that this is a complicated matter and the codes definitely conflict.

A brief discussion continued and it was determined that Mr. Wasson will go to the Town Board for their interpretation of the codes.

Attorney Gariglaino advises the Board that a letter was received from the County Planning Department regarding Liberty Self Storage project. Attorney Garigliano explains that the letter states that this matter should have been reviewed by their office in which it was not. Attorney Garigliano advises that the matter should be sent to the County and the Board can re-approve the matter once the County's comments are received.

The Board had a brief discussion regarding the meeting night and it was determined that the meetings will continue to be held on the first Tuesday of each month.

ON A MOTION BY JOHN VAN ETEN AND SECONDED BY JUDY SIEGEL, THE MEETING WAS ADJOURNED AT 8:36PM.

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 December 3, 2013 are not to be construed as the final official minutes until so approved.

___ Approved as read.