

**TOWN OF LIBERTY  
PLANNING BOARD MINUTES  
December 7, 2010**

**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 and Mark Van Etten, Building CEO  
See attached sign in sheet

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**CHAIRMAN DEUTSCH CALLED THE MEETING TO ORDER AT 7:00 PM.**

**ON MOTION MADE BY LYNN DOWE AND SECONDED BY JOHN VAN ETTEN, THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR NOVEMBER 2, 2010 WITH THREE CHANGES.**

**PUBLIC HEARING:**

**Eva Schwimmer**  
Special Use Permit  
245 Ferndale – Swan Lake Road  
Unit # 49  
SBL: 41.-1-9.8  
Zone: RD #P-2010-0019

Twenty-four notices sent, 11 green cards received, 8 outstanding. Chairman Deutsch asked if there was anyone from the public who wished to comment.

No one appeared.

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

It was determined that no action could be taken until the Planning Board learned of the Zoning Board of Appeals' decision.

**Davidowitz**  
Special Use Permit  
245 Ferndale - Swan Lake Road  
Unit # 35  
SBL: 41.-1-9.8  
Zone: RD #2010-022

Twenty-four notices sent, 11 green cards received, 8 outstanding. Chairman Deutsch asked if there was anyone from the public who wished to comment.

No one appeared.

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

The 239 was received from County Planning stating that it was a matter for local determination. After a short discussion, it was determined that the file was complete.

**ON A MOTION MADE BY DEAN FARRAND AND SECONDED BY JOHN VAN ETEN, APPROVAL OF THE SPECIAL USE PERMIT FOR DAVIDOWITZ WAS GRANTED. ALL IN FAVOR. APPROVED.**

**Green Acres Cottages Inc. / Samuel Goldberger**  
Special Use Permit  
20 Denman Road  
SBL: 30.-1-90.3  
Zone: SC #2010-010

Sixteen notices sent, 12 green cards received, 4 outstanding. Chairman Deutsch asked if there was anyone from the public who wished to comment.

No one appeared.

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

The 239 was received from County Planning stating that it was a matter for local determination. After a short discussion, it was determined that the file was complete.

**ON A MOTION MADE BY RAY KELLY AND SECONDED BY LYNN DOWE, THE SPECIAL USE PERMIT FOR GREEN ACRES COTTAGES, INC. IS A TYPE II ACTION AND AS SUCH IS NOT SUBJECT TO ENVIRONMENTAL REVIEW UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA"). ALL IN FAVOR. APPROVED.**

**ON A MOTION MADE BY JOHN VAN ETEN AND SECONDED BY DEAN FARRAND, APPROVAL OF THE SPECIAL USE PERMIT FOR GREEN ACRES COTTAGES, INC. WAS GRANTED. ALL IN FAVOR. APPROVED.**

**White Sulphur Homes**  
Subdivision  
White Sulphur Road  
SBL 38-1-43 & 34.12  
Zone: AC / RS #2006-0038

Ron Cobb of Hawk Engineering appeared for this project. After much discussion it was determined that Ron Cobb is to provide the Board with a letter concerning the wetlands/buffer. Chairman Deutsch was not happy with the maps provided this time and stated that they were very hard to read due to overlays, wells missing and other reasons. Dean Farrand said he never saw or received a point by point response to Tom Shepstone's letter of August 31, 2010. The rest of the Board concurred that they hadn't received anything either. Ron Cobb is to provide one. After further discussion with reference to that letter, the points should be answered as follows: 1. How big is wetland buffer – Ron Cobb to provide Board with letter; 2. Ron to add site distances to maps; 3. The Town Board will handle this point if and when the Planning Board grants approval; and 4. Easements are to be labeled on map by Ron. After further discussion it was determined that another column should be added to the maps showing the buffer. This should affect lots 27, 8 and 9. Ron Cobb is to clean up the maps and forward them in full size, pages 2 through 10.

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

Ron Cobb of Hawk Engineering appeared for this project. The Board members had basically the same comments for this project as they did for White Sulphur Homes. A comment was made that it seemed as though copy and paste went awry. Ron Cobb is to provide the Board with a point by point response to Tom Shepstone's letter as follows: 1. Ron to answer; 2. Ron to answer; 3. Ron to provide a HOA; 4. Ron to add site distances to map; 5. Ron to answer; 6. The Town Board will handle this point if and when the Planning Board grants approval; 7. Ron to answer. Ron Cobb is to clean up the maps and forward them in full size, pages 2 through 14.

**New Cingular Wireless**  
Special Use Permit  
196 Revonah Hill Road  
SBL: 18.-1-9.9  
Zone: RD #2010-0025

Dean Farrand recused himself from this project review. Renu Shevade, Esq. of Day Pitney and Peter Tardy, Engineer of French & Parrello appeared for this project. They explained that they planned to put a generator at the site and after speaking with Mark Van Etten they would be

fencing in the compound area. After a short discussion it was determined that they should make the area larger than they needed to allow for future expansion at the site. Possibly 40 x 85. Also that should a double wall tank for the diesel fuel used for the single engine required to run the generator not be available, some type of berm, minimum 30", would be done to prevent any leakage. The noise level for the generator would be controlled by a muffler system and no louder than 65 DB and will run once a week. This project will be sent for 239 review once the revised plans are submitted, and will reappear for the February 1, 2011 meeting for a public hearing.

**Camp Agudath**  
Special Use Permit  
144 Upper Ferndale Road  
SBL: 29.-1-24.1  
Zone: RS #2010-0026

Dean Farrand is back. Meir Frischman appeared for this project. Mark Van Etten has issued a stop work order on the laundry building. Dean Farrand stated that the building in question was not in existence when they approved the building and placement of the four new units and has no approval on file. Meir Frischman said that he agreed but had to have a place for the people in the new buildings to do laundry so he went ahead and put it up. Attorney Garigliano asked if Meir had an electrical inspection for the building. Meir said yes, he did. He was told to see that the Building Department got a copy. After a short discussion it was determined that it was too close to Unit #27 and that it would need to be moved and have the correct dimensions shown on the map. Meir agreed to do so. Mark Van Etten asked how the landscaping was progressing on the site from the last approved project. Meir said that he was to have part done in the fall, which he has and to finish the landscaping in the spring, which he plans to do. It was also discussed that Meir should bring the deeds to the properties so that the two parcels could be combined since the proposed change extended over the property lines.

**Camp Agudath**  
Special Use Permit  
144 Upper Ferndale Road  
SBL: 29.-1-25  
Zone: RS #2010-0027

Lisa Edwards of Kelly Engineering appeared for this project along with Meir Frischman. After a short discussion it was determined that the project would create 3 more rooms and that the Board required information as to whether the water/sewer usage could handle the capacity for 3 more rooms.

**HASC, INC.**  
Special Use Permit  
Old Route 17  
SBL: 12-1-26.1  
Zone: RD #2010-0028

Randy Wasson appeared for this project. He said it was just a preliminary discussion at this point as the owner has expressed an interest in adding a one family home to the project since the application was originally submitted. The Board asked that Randy show the parcel lines on the site plans. It was also discussed that deeds to the properties should be brought in so that the two parcels could be combined since one of the proposed changes extended over the property/parcel lines. The Board also wants to check the sewer capacity on this project because according to Randy, it might be tight and they might need to add to their sewer plant or make other plans. The Board also asked for architectural drawings and a floor plan for the buildings proposed. It was also brought to Randy's attention that the units would need to be winterized and meet the energy code. Randy is to amend the application to show the one-family house along with the two proposed staff buildings.

**Robert Head**  
Subdivision  
429 Willi Hill Road  
SBL: 38.1-31.2 and 31.3  
Zone: AC #2010-0007

Mark Van Etten brought the revised maps in front of the Board explaining that Joe Woods could not attend this meeting. After a short discussion, it was determined that the Board wishes to see the deeds on parcels 38.-1-31.2; 38.-1-31.3 and 38.-1-19 to see if the portion of the map in question is a roadway or a right-of-way. If it is a right-of-way, Mr. Woods is to mark the right-of-way with dotted lines, not solid lines.

**ON A MOTION BY JOHN VAN ETTEN AND SECONDED BY DEAN FARRAND, THE MEETING WAS ADJOURNED AT 9:20 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 December 7, 2010 are not to be construed as the final official minutes until so approved.

  X   Approved as read