

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

MEMBERS PRESENT

Diane S. Deutsch, Chairman
Jon Sutherland
Ray Kelly
Lynn Dowe
Dean Farrand
John Van Etten, alternate

ABSENT

Peter Stettner, alternate
Walter F. Garigliano, Town Attorney
Mark Van Etten, Building CEO

ALSO PRESENT

See attached sign in sheet

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

**ON MOTION MADE BY LYNN DOWE AND SECONDED BY DEAN FARRAND,
THE BOARD UNANIMOUSLY APPROVED THE MINUTES FOR FEBRUARY 5,
2008.**

PUBLIC HEARING:

**Time Warner Cable
Special Use Permit
NYS Route 52
SBL 35D.-3-10.2
Zone: SC**

9 notices were sent, 8 green cards received.

Chairman Deutsch asked if there were any comments or questions from the public.

No one appeared.

**ON MOTION BY RAY KELLY AND SECONDED BY JOHN VAN ETTEN, THE
PUBLIC HEARING WAS CLOSED.**

Suburban Propane
Special Use Permit
NYS Route 52
SBL 35E.-1-10
Zone: SC

13 notices were sent, 12 green cards received.

Chairman Deutsch asked if there were any comments or questions from the public.

Kenneth Wiley stood up and asked about the drainage issue. It seems that the water runs into his garage and across his lawn. This should be addressed. He also stated that 20+ years ago there was a big spill from Suburban with oil everywhere. A concrete wall was put up, but it has now deteriorated and broken down. Is there a way this issue could be addressed so that the water run off goes towards the pond.

Another gentleman stood and asked what the reason was for this project.

Richard ("Dick") Williams the engineer on the project rose and answered the concerns. He agreed that there was some degradation of the containment dike and that they would be upgrading the drainage to State and EPA regulations. He explained that up until now, Suburban had more volume in gas and diesel and that now they would be concentrating in oil and kerosene. They will have a loading pad in the driveway and they are going from 9 tanks holding 120,000 to 140,000 gallons down to 3 tanks holding 20,000 each totaling 60,000 gallons. They will address the drainage issue and when they are paving perhaps put in some berms and also check into catch basins while they see about the run off going to the pond.

**ON MOTION BY JOHN VAN ETTEN AND SECONDED BY DEAN FARRAND,
THE PUBLIC HEARING WAS CLOSED.**

Camp Yeshiva
Special Use Permit
Swan Lake Road / County Route 55
SBL 44.-1-35
Zone: RS
New Application

11 notices were sent, 8 green cards received, 2 returned.

Chairman Deutsch asked if there were any comments or questions from the public.

Christopher Gallagher appeared, looked at the map and asked if there would be co-use with any other camps in the area as he has a lot of trouble with trespassers.

Helmut Wilhelm appeared and asked how big the building was and where located. He looked at the map. He said he was worried about trespassers as he has a lot of beehives on his property and was concerned about children and others trespassing.

**ON MOTION BY DEAN FARRAND AND SECONDED BY JOHN VAN ETEN,
THE PUBLIC HEARING WAS CLOSED.**

Chairman Deutsch made the announcement that the 239 reviews from Sullivan County Planning and Community Development had not come in so the Board would be making no final determinations on Time Warner Cable, Suburban Propane or Camp Yeshiva.

Time Warner Cable

Special Use Permit

NYS Route 52

SBL 35D.-3-10.2

Zone: SC

David Whitthohn from T.M. DePuy Engineering appeared for this project. He stated that since the last Board meeting they are not crossing any thresholds for DEC. They are dealing with the drainage pipe that now has heavy water flow and which freezes. They are taking it now around the building and down under the highway with the pipe to a swale and will have catch basins at every turning point. It now goes through the parking lot into the channel across the road creating ice and havoc. Mr. DePuy is to contact the State Highway Department to see if their plan is okay and provide a letter to the Board stating the State Highway Departments position. The issue of fencing was discussed.

Suburban Propane

Special Use Permit

NYS Route 52

SBL 35E.-1-10

Zone: SC

Richard Williams appeared for this project. John Van Etten asked about Suburban's submission about fire hydrant location. He said he is sure there are some closer than Suburban has shown. Richard said they would check further.

Richard said they will do resurfacing after the demolition work is done to control runoff. He said the parking lot is now deteriorated and that may put a berm around it with any grading being done towards the 52 Pick Up property. The

discussion continued regarding paving, drainage and grading. It was decided that more detail was needed on the maps with regard to parking, grading and fencing. A new map should be submitted by March 14th to appear on the April agenda.

Camp Yeshiva
Special Use Permit
Swan Lake Road / County Route 55
SBL 44.-1-35
Zone: RS

Randy Wasson appeared for this project. He said he would address the issue of flooding in the area of the stream. He would also see about the issue of trespassing with regard to the neighboring Gallaghers and Wilhelms. He was asked by the Board if there would be any basketball or skating with regard to the gymnasium. He said it hadn't been mentioned to him but he would check out the possibilities.

Susanna Chapman
Subdivision Re-Approval
SBL: 25.-1-9

Gary Silver appeared for this issue. He said he spoke with Attorney Garigliano and was told he could bring it before the Board for re-approval as it was approved in April of 2006 and never filed because after the clients paid, the seller said she didn't have the money for real property taxes, etcetera. Attorney Epstein originally represented her, who is now deceased and the seller is now represented by Attorney/Judge Jeffrey Altbach. Attorney Silver said that now everything has been resolved and they will close with the original contract. They are seeking re-approval now that Attorney Altbach has assured his client will close.

ON A MOTION BY JON SUTHERLAND, SECONDED BY LYNN DOWE, THE BOARD GRANTED RE-APPROVAL OF THE SUBDIVISION MAP. ALL IN FAVOR. APPROVED

52 Liberty Inc.
Special Use Permit
1885 Route 52
SBL 30.-1-76.1
Zone: IC

Usher Jalus and Alvin Adler appeared for this project. They brought new maps with changes according to Town Engineer, Glenn Smith's review. He showed the Board his flyer with gave a rough look at what the finished building would look like. He said he has parking for 104 vehicles. The traffic study he submitted to

the Board was brought up and discussion was held with regard to the high volume of traffic in that area on Friday evenings. Mr. Jalus said his business closed on Fridays at 3:30 to 4:00 pm, always. Discussion was held with regard to placing landscaping and it was determined that if there was to be any it should be directly in front of the buildings between the building and the cement guards that prevent cars from hitting the building.

Chairman Deutsch asked why there appeared to only one delivery door. Mr. Jalus explained on the plan that there would be only one storage room for all the businesses and the he would be the only business owner for all. That the only other business would be the possible pizza shop in front. He was told there needed to be shown on the map a doorway to the storage area to the pizza shop. They will also have to show on the plans where the gas tanks will be located.

Alvin Adler and Mr. Jalus are to clarify with Glenn Smith what the issue is with #8 of his letter on the 100 year flood plane of Trout Brook.

Much discussion was held by the Board members with regard to #6 of Glenn Smith's letter, wherein they agreed that the first entrance should be marked deliveries only and the other wider entrance be marked entrance/exit and that even by doing so, some members of the public will try and use the delivery entrance anyway, so that perhaps speed bumps can be installed to discourage them.

A public hearing will be scheduled for April 1st if corrected maps are submitted by March 14, 2008. This project will then also be sent for 239 review.

Green Hills Estates
Subdivision
State Route 55
SBL 36-1-59 / 40-1-12.1

Randy Wasson, Attorney Terry Foreman and Eli Ravitz appeared for this project. The issue in front of the Board at this meeting is the fact that the Board approved plans that have the buildings 25 feet apart without decks. In the process of building them they are being built 17 feet apart after the decks and the bay windows are in place on the 2-story units. Much discussion was held and it was decided that the Board would look into what the code says. This project is to appear in April.

Terry Foreman brought up the fact that the applicant would like to subdivide as lot 3 the portion that is East of Section B. After much discussion about the easement issue into that portion from Section B, the Board advised Attorney Foreman that they would need to provide the Board with detailed plans, which also shows where they want an easement and an application for subdivision on or before March 14 to appear on the April agenda.

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. While doing further work on this project it was discovered that three units that are located in the RD zone cannot be served by the sewer district. After a short discussion, it was decided to send this to the Zoning Board of Appeals for a use variance.

Steven Boniface
Pine Bush Equipment
Special Use Permit
NYS Route 52
SBL: 30.-1-100
Zone: SC

Alphonse Mecurio and the Applicant Steven Boniface appeared for this project. Mr. Mecurio explained the project. Since the proposed pump station is in the Town of Fallsburg, the Board will require a letter from the Town of Fallsburg stating that the pump station meets with their approval. Chairman Deutsch said the map needs to have more detail showing landscaping, lighting, parking, elevations, drainage, fencing and property entrances and exits.

Boyd H. Oliver
212 Twin Bridge Road
SBL: 37.-1-23.1
17.96 acres / 330 feet road frontage
Zone: RD

Boyd Oliver appeared. He asked what type of business he could have on his property. A short discussion was held wherein the Board members explained to him that he would have to decide on what type of business he wanted to have. A shooting range and ATV park were ruled out. Mr. Oliver was told that once he decides what he wants to do as a business he would need to submit an application with plans showing landscaping, lighting, parking, site plan elevations, drainage, septic, water, fencing and property entrances and exits. He thanked the Board for their time.

Sunset Lake Estates
Renewal of Extension
Subdivision
Sunset Lake Road f/k/a Infirmary Road
SBL: 30.-1-27.7, 27.9, 27.3 & 27.6

Wes Illing had sent in a letter requesting another one year extension for time to complete. He was granted one on April 6, 2007. The Board agreed unanimously.

ON A MOTION BY JON SUTHERLAND, SECONDED BY DEAN FARRAND, THE BOARD GRANTED AN EXTENSION FOR ONE FURTHER YEAR. ALL IN FAVOR. APPROVED.

ON A MOTION MADE BY RAY KELLY AND SECONDED BY JON SUTHERLAND THE MEETING WAS ADJOURNED AT 11:00 P.M.

APPROVED _____ N. Saucier