

VILLAGE OF LIBERTY REGULAR PLANNING BOARD MEETING SEPTEMBER 10, 2009

PRESENT:

Don Nichols, Chairman
John Webber
Steve Green

ABSENT:

Adrian Gonzalez
John Nichols

ALSO PRESENT:

Langdon C. Chapman, Village Attorney
Pam Winters, Code Enforcement Officer
Rick Baxter, Agent for 325 N Main St LLC & Jerry Turko
Lori Bertsch-Brustman, Attorney for 325 N Main St LLC
Walter Garigliano, Attorney for Sull. Co. IDA
Alan Scott, Chairman, Sull. Co. IDA
Heinrich Strauss, Director, Liberty CDC
David Todor, PE for Parth Co. LLC
Dawn Green, liaison to Village Board

Chairman Nichols calls the meeting to order at 7:00 p.m. and leads everyone in the pledge of allegiance.

ON A MOTION BY JOHN WEBBER, SECONDED BY STEVE GREEN AND UNANIMOUSLY CARRIED, THE MINUTES OF THE AUGUST 13, 2009 ARE APPROVED AS SUBMITTED.

Liberty Light Industrial Park
Sullivan County IDA minor 3-lot subdivision

Barbara Garigliano is unable to attend. Walter is present on her behalf.

Walter: Good evening, gentlemen. What we ask the Board to do tonight is move the revised application from the last meeting forward to schedule a public hearing at next months meeting. We have explored many different options. I've brought a litany of the various plan designs with me tonight if you'd like to go through them. There's really only one location where this road into this Industrial Park works – here at the bottom. There are things you don't see on the ground that serve as impediments such as sewer lines and utilities that crisscross the site due to the close proximity of the sewer plant. The road is in the exact same location as the approved plants until you start gaining slope and it was moved over simply to accommodate an increased footprint. It was moved slightly towards the Harris direction.

Attorney Chapman: Making the curve less sharp.

Walter: It makes it the curve less sharp but what we figured out is that this site is, for a wide variety of reasons, absolutely perfect for its ultimate intended use. This site has more things wrong with it than any other site I can think of and it's perfect for this particular use, a processing plant.

John: It's not going to interrupt the neighbors.

Walter: No, it won't and it would be really hard to design a site that has more infirmities than this site. This site, up until the State of New York blew up the Empire Zone Program, did have one redeeming characteristic, which is that it was in the Empire Zone. When it was in the Empire

Zone, the Planning Division at the County felt that the site could attract other types of manufacturer's to the area. But as they started to design the site, they realized that because of the excessive topography and the very large drainage base behind it, which is a compounded problem due to the railroad bed and how it sits, they realized that the site would be very, very expensive to develop. So as the expense increased, the amount of money they needed to secure from grants increased. With grants, the way you get a head count for jobs is by square footage. So they kept making the building bigger so you'd have more square footage. Then you'd have to have a greater parking area, which means a greater impervious surface. Then each time you increase it, they would exasperate an already difficult drainage problem to a point where we don't believe the plan that exists today is a workable plan especially with the Empire Zone no longer a viable alternate to this site. Even if the Empire Zone does come back, it won't come back sitting on top of this site.

So we think that the plan that we have in front of you is the plan that makes sense. This project was so far down the road on the other site plan that they even have blueprints for the proposed building ready to submit for a permit. We've been able to take this set of plans and fit it perfectly onto the new lot to allow the lot configurations so that the more than \$100,000 worth of surveying and engineering that's already been spent isn't wasted. A lot of it was wasted because all of it that's associated with the lots up by the railroad tracks... and I just wanted to give you, just to show you what sometimes leads to total insanity, this is the proposed drainage plan for what they had. These are the contour lines. This is the drainage basin which is designed to pick up the significant amount of impervious surface from all of these lots caused by gigantic buildings and gigantic parking lots because the only way they could get the job count they needed was to create very, very large buildings so they could theoretically say they would have a large number of people working there so they could theoretically say they could get the USDA to give them the money they needed to build it. Since the IDA has taken over this project, they don't need the money from the USDA at the same level. We've applied for and have a very good indication that the project will receive an \$800,000 grant, which is half of the \$1.6 million needed for the processing plant and the IDA has already set aside a matching amount of money to complete the project.

The discussion continues on and on about the road, its location, its construction, taking title to it and subsequently deeding it back to the Village upon completion.

Chairman Nichols and the board agree to schedule the matter for public hearing in October.

Parth Co. LLC – Site Plan Approval
187 Mill Street

David Todor, engineer for Parth Co. LLC is present in this matter.

Mr. Todor: Good evening. I'm here representing Sonny Patel, the owner of this mall. He has a prospective tenant, a pharmacy, that's interested in renting the tenant space currently occupied by Videomania. However, he's interested in the site only if he can have a drive-thru window for his customers. Videomania is being relocated to a smaller tenant space.

My site plan doesn't show the entire parcel, just the affected area. It's my client's proposal to construct a drive-thru canopy/window at the end of the building as I have shown on the site plan. The path of travel for vehicles will travel to the back of the property, past the propane tanks and loop around to the end of the building. I've proposed signage in appropriate areas to help direct the flow of traffic. The area presently used for the garbage dumpsters and recycling has been relocated to this area in front of the propane tanks. At the request of Pam Winters, the number of dumpsters will increase from four (4) to five (5).

Chairman Nichols: Your site plan has been reviewed by the propane company that services your location and we've received a letter from them in opposition to the dumpster location (Note: Letter

is added as an addendum to the minutes as a matter of record). With the dumpsters in this new location, the propane company cannot service or change out the tanks if need be.

I also feel that this is the opportune time to ask Mr. Patel to try to do some sort of landscaping with the property. As you know, the property is adjacent to I-86 and the ramp and, as you exit the ramp going into the Village, it's quite unsightly. The swale is always filled with debris and the emergency walkway that runs the length of the mall has unauthorized additions. Various tenants to accommodate additional equipment and supplies added these additions over the years. One of these small extensions is in disrepair and needs to be removed entirely; the second extension has illegal wiring and extension cords running from the exit door to a freezer, a violation noted by Pam that needs to be corrected.

Pam: In my opinion, the tenant is renting the retail space, not the emergency walkway. If there isn't enough space to accommodate the tenant's supplies inside the building, he needs to either clean house or relocate to a larger space more suitable. The emergency walkway is intended to be used for just that purpose, emergency egress, and to pile supplies and equipment and bicycles, etc onto it would surely impede firemen or emergency personnel during a fire.

Discussion continues regarding the existing fence, the fencing around the enclosure and the Sprint sign that's been installed without a permit. Pam notes that no building permit will be issued for the alterations until all violations mentioned have been remedied to her satisfaction.

Chairman Nichols: We'll go ahead and schedule the public hearing for next month and, in the meantime, you know how you need to revise your site plan. It'll need to be done in time for the public hearing.

Mr. Todor: I'll speak with Sonny and get started right away.

325 North Main Street LLC – Special Use Permit
323 North Main Street
and
325 North Main Street LLC – Special Use Permit
325 North Main Street

Rick Baxter and Lori Bertch-Brustman are present on behalf of their client, Jerry Turko.

Lori explains to the Board that her client has applied for and has been granted a variance that would allow live-work units in this building and in 325 North Main Street as well. This would include the tenant space that used to have a barbershop in it, the space next to Lisa's Luncheonette that used to be rented by Todd Kurpil and the North End Bar.

There is some discussion about the zoning classification and decision by the ZBA. Chairman Nichols personal opinion is that he is not in favor of ground floor apartments in the Commercial District, even though it is allowed in the Village's zoning.

Chairman Nichols explains that he'd like to see a floor plan of the proposed division between retail and living space in each instance. The floor plans must be submitted before the public hearing. He agrees to schedule the matter for a public hearing next month. Because the property meet the criteria set forth for 239 review, the matter is not subject to review by the Sullivan County Division of Planning.

Albert Bitjeman – Two-lot Minor Subdivision
35 Triangle Road

This application has been reviewed and public hearing held; a 239 review has been received. Chairman Nichols reads the SEQR form into the minutes.

ON A MOTION BY STEVE GREEN, SECONDED BY JOHN WEBBER AND UNANIMOUSLY CARRIED, THE BOARD MOVES FOR A NEGATIVE DECLARATION IN THIS MATTER.

ON A MOTION BY STEVE GREEN, SECONDED BY JOHN WEBBER AND UNANIMOUSLY CARRIED, THE BOARD GRANTS FINAL APPROVAL FOR THIS SUBDIVISION.

Other Business included a brief discussion about the ongoing saga regarding water, the lack of sufficient water and water pressure at Liberty Commons on Barton Road. The New York Board of Fire Underwriters was supposed to be out to the site to do independent testing at the request of Chief Burke several weeks ago and, to the best of anyone's knowledge, this testing has not yet been done. Chairman Nichols is still extremely concerned regarding the potential for liability to the Village Board, the Planning Board and employees.

ON A MOTION BY JOHN WEBBER, SECONDED BY STEVE GREEN AND UNANIMOUSLY CARRIED, THE MEETING IS ADJOURNED AT 8:20 P.M.

Respectfully submitted,

Pam Winters, Clerk

Approval Date: _____