

Village of Liberty

Planning Board Minutes

Thursday, May 9, 2024, 6:00 P.M.

Planning Board Members Present: Steven Green, Chairman, Stacy Feasel, Member, Dara Smith, Member, Maureen Crescitelli, Member, Maureen Stabak, Member.

Also Present: Gary Silver, Village of Liberty Attorney, Marisol Torrens, Code Enforcement Officer

Absent: None

Applicant: Steps 4 Success Development Center – Proposed Home based Daycare at 30 Winslow Place SBL# 104-5-3

PUBLIC HEARING: Motion was made to open the public hearing by Stacy Feasel. Seconded by Dara Smith. No comments. Motion to close the public hearing made by Dara Smith, seconded by Maureen Crescitelli and unanimously carried.

OLD BUSINESS:

Steps 4 Success Development Center – Requests to operate a daycare center at 5518 SR 55 SBL# 117-2-1

Gary Silver: Discussed the EAF (Environmental Assessment Form) and explained the difference between a small or no environmental impact or if it is a large or moderate environmental impact. There are 11 questions on the form. Gary asked the board to answer the questions on the EAF. The Board answers all questions on the EAF. All questions were answered “No” and Gary recommends that the board declare a negative declaration.

Motion for negative declaration made by Dara Smith, seconded by Stacy Feasel. Motion carried unanimously.

Gary Silver: Does anyone have any questions for the applicant? No questions.

Steven Green: MOTION TO APPROVE APPLICATION made by Stacy Feasel, seconded by Dara Smith. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

Luis Ulloa- SBL# 108-8-4 – Requests to convert a single family home into a two family home. Address: 46 Lincoln Place. Zone: R-2.

Marisol Torrens: This is Mr. Luis and he does not speak English so I will translate. He purchased this house and he went to the building department to obtain a permit to do the work to convert to a two family. Dan Pollan gave him the permit without asking him to go to the planning board. When I took over as Code Enforcement officer, Luis came in to obtain a certificate of occupancy and I told him that I could not give him the CO without coming here first so that is why we are here.

Gary Silver: I sent an email on April 9th regarding the documents

Marisol Torrens: I fixed them. He just needed to sign one. Thank you. I got the signed owners proxy as well.

Gary Silver: Does anyone have any questions for the applicant?

Steven Green: I just have a question about additional parking.

Marisol Torrens: He has street parking and also off street parking as well.

Stacy Feasel: What about in the winter?

Marisol Torrens: He said he has off street parking

Stacy Feasel: Oh okay

Gary Silver: So he has off street parking for tenants?

Marisol Torrens: Yes. He lives in one unit and the downstairs will be renters.

Gary Silver: Does anyone have any other questions? If no one has any other questions, you can schedule the public hearing for the next meeting, June 13th at 6:00 pm. Marisol, can you please email the corrected documents to everyone please?

Marisol Torrens: Yes

Motion to schedule the public hearing for June 13, 2024 made by Dara Smith. Second by Maureen Crescitelli. Motion carried unanimously.

Marisol Torrens: Translates in Spanish to the applicant. The applicant says thank you.

Sullivan County IDA (A Single Bite) – SBL# 120-1-1.12/120-4-1.23 – Requests to construct a commercial kitchen in an existing building to prepare and distribute free food to the community. Address: 92 Commerce Drive. Zone: Commercial.

Gary Silver: I just have a question regarding the application because someone hand wrote two different SBLs. I just want it on the record to clarify.

Audrey Garro: We own both parcels

Gary Silver: You need approvals from the DOH

Audrey Garro: It is my understanding that the DOH doesn't actually come out until the kitchen is operating

Gary Silver: Right, but on the EAF there is a question about having a requirement for other approvals

Marisol Torrens: What question is that?

Gary Silver: It is question #2 and it should be answered "yes" and then NYS DOH. And also the next question, 3A in regards to the acreage should be 6.6 acres according to what the county has. It is the same for C, 6.6 acres.

Audrey Garro: I would just like to introduce Mark Mclewen who has been instrumental in the planning of this project. I am the Executive Director of the not for profit and we were honored when the IDA

came to us and asked us if we would like to merge with Catskills Food Hub, which is also not for profit, in an effort to extend the efforts in food insecurity. This building will allow us to do that especially once the kitchen is up and running. It will help us feed more families. At present, we are operating under a commercial kitchen license from a facility in Youngsville. With this new kitchen we would be able to go from feeding 600 people a week to 1000 a week.

Gary Silver: The application is for change of use because the building is not being used as such now, correct?

Audrey Garro: Correct. We store and distribute food out of that building now.

Gary Silver: You just aren't producing the food there, that is why it is a change of use?

Audrey Garro: Correct

Gary Silver: Dave Burke, the head of our DPW said that a grease trap would be required and he had a concern about the outgoing sewer line.

Mark Mclewen: We already have that in place because it was a red meat factory and they installed that and we confirmed that with Sullivan County Septic

Gary Silver: Do you know the location?

Mark Mclewen: Sure, it is right at the front door

Gary Silver: Do you have the drawing showing that? They aren't on these plans

Audrey Garro: These are just building plans but we do have them and I believe we submitted them to you

Marisol Torrens: No I never got anything like that

Gary Silver: Will there be more traffic coming in and out?

Audrey Garro: No

Marisol Torrens: Nobody goes there to get the food, they deliver it

Gary Silver: How many trucks a day do you expect to be going in and out?

Audrey Garro: Right now, we don't expect that to change but at most 1 more truck a week which currently delivers in Youngsville

Gary Silver: So you figure you will have 1 more truck per week?

Audrey Garro: Yes to deliver food for production purposes and maybe 4 cars per week, who are volunteers coming to pick up food to deliver. They pick up in bulk and they distribute to other volunteers to deliver.

Gary Silver: So 1 more truck a week and 4 more cars per week

Marisol Torrens: Also, it is a pretty secluded place. It is not residential. I go there to the sewer plant or to the gas pump and there is not a lot of traffic there.

Gary Silver: Is it possible to show the tank on the map

Mark Mclewen: The tank is right here and we can have the architect add it to the plan

Gary Silver: Yes, please

Mark Mclewen: It's 1000 gallon grease trap

Gary Silver: Does anyone else have any other questions or concerns? Ok so do you want to schedule a public hearing for June 13, 2024?

Motion to schedule the public hearing for June 13, 2024 at 6:05 pm made by Dara Smith. Seconded by Maureen Stabak. Motion carried unanimously.

Gary Silver: So we will schedule the public hearing for next month and go through the EAF

Applicant: Jaime Peralta – SBL# 104-1-4 – Requests to convert a single family home into a four family home. Address: 30 Marion Avenue. Zone: R-1

Steven Green: Is this the house up by the school?

Marisol Torrens: I will send you a picture if you need it

Steven Green: This house has been abandoned

Marisol Torrens: Yes he purchased it and he wants a permit to work on it but it is was an illegal conversion again. He purchased it like that. That is why he is here.

Steven Green: So who did that work?

Dara Smith: Was a permit ever issued?

Marisol Torrens: No there was never a permit and the work was illegal. That is why he is here. He purchased the house "cash" and when you purchase the house for "cash" there is no municipal search done and he is from Massachusetts. When he came into my office to get a permit and do the right thing, I looked into the records and I see that it is a one family house and he was telling me that it is a four family house. So he is here for a change of use.

Steven Green: I was in this house and it is in bad shape. The roof is rotted.

Marisol Torrens: Yes that is the reason he came to me so he can get the permit to do the repairs and make an ugly house beautiful

Dara Smith: Does the zoning allow it?

Gary Silver: Yes the zoning allows multi family

Marisol Torrens: It is an R-1 zone so it would fall under special use code section 87-30 residential conversion

Multiple conversations at one time inaudible

Dara Smith: Is the little yellow house? Was it a store?

Marisol Torrens: No it is a house

Gary Silver: If in fact it is commercial, multi-family is more than two it would fall under special permit use so we need to confirm what zoning it is in and that is what Marisol is doing now

Steven Green: Then there is a minimum square footage that is required

Gary Silver: That is a building department issue. She could not give a CO if it didn't meet the minimum requirements

Steven Green: So she has to give us what the minimum requirement is then

Marisol Torrens: It is in an R-2 zone

Gary Silver: So it would go under special permit use under the R-2 zone. One thing that Steve inquired about was that he knows that there is a minimum size for apartments and that is a question for you

Marisol Torrens: So by law the minimum is 80 square feet per bedroom and that is for two people

Gary Silver: Is there a minimum requirement by apartment? I thought we had a minimum for that

Marisol Torrens: No it goes by bedroom size in the NYS codes

Steven Green: Technically, we can't do anything until you provide us with a floor plan

Marisol Torrens: They are already there. I do understand what you are saying.

Gary Silver: You can approve the conversion subject to each one meeting the requirements

Steven Green: But we do not know how many he has

Gary Silver: You can approve the conversion to a four family house with a condition that each apartment meets the minimum qualifications

Marisol Torrens: Yes when I do the CO inspection, they have to meet the minimum size requirements but they also have to meet egress requirements so if the bedroom size is smaller it would be listed as an office or a playroom or whatever they want to classify it as except as a bedroom

Gary Silver: We just adopted the NYS housing code so you can approve it and I assure that Marisol will follow the code

Steven Green: Even if the building can hold 4 families, can the lot hold all of the cars for those families? We don't have a survey or site plan

Marisol Torrens: That is why we are here. You discuss what you want and the applicant can bring it.

Steven Green: The street is narrow

Marisol Torrens: Asks the applicant a question in Spanish. I understand what you are saying about the road being narrow and the parking etc, but if the zone allows the multi-family and he meets all of the requirements, I don't think that the street being narrow will be enough to deny it

Steven Green: If he cannot meet everything that is required by zone, then he is going to have to cut back

Marisol Torrens: That is what I just asked him, everything that he has is in compliance with the code and he meets the zoning law

Gary Silver: The Code, 87-16A says that a one family or two family shall require two off street parking spaces

Marisol Torrens: So he needs 8 parking spaces

Steven Green: Yes 8 off street parking spaces not just stacked in front of the lot, so he needs a parking lot

Marisol Torrens: Yes the parking lot has regulations as well

Steven Green: He needs a dumpster as well

Marisol Torrens: Asks the applicant if he has a survey of his lot in Spanish

Stacy Feasel: It is .04 acres

Steven Green: And there is a stream line in the back on the left side

Stacy Feasel: It is 3080 square feet, the house itself and it is on .04 acres

Dara Smith: It could be really nice, it is a cool building

Multiple discussions amongst the Board members. Inaudible.

Marisol Torrens: Discusses with the applicant what the board is asking of him

Gary Silver: So he understands what he needs?

Marisol Torrens: Yes

Applicant: 27 West Liberty Street – SBL# 101-1-25.2/25.3/27 – Requests to construct 7 three story apartment buildings with a basement to consist of 56 apartments in total. Address: West Liberty Street. Zone: R-2.

Gary Silver: Did you get to go over with the applicant some of our questions and concerns?

Marisol Torrens: Yes I did forward him your email with everyone's comments

Multiple conversations amongst the Board in regards to the location of the house

Joseph Medic: I am one of the engineers on the project

Gary Silver: The application references three parcels, 25.2/25.3/27 but when the property was purchased, it included another parcel 25.1 and when I looked at the acreage, it appears that you included the lot 25.1 in your calculation

Joseph Medic: Yes

Gary Silver: So we have to amend the application to include that parcel

Joseph Medic: Right. It should be about 2 ¼ acres

Gary Silver: The count is showing 2.39 acres

Marisol Torrens: I will email everyone the information that I got

Joseph Medic: So this is on West Liberty Street and it will be a beautiful apartment complex. Each building will be 3 stories with 8 units in each building for a total of 56 units. We have ample parking with a total of 92 spaces. As you can see it is right by the high school in the perfect location. It is a 2.3 acre lot between 4 parcels and I know we will require a height variance for the project because it is 3 stories. We have included an EAF form for the project. There is a need for more housing in Liberty and as you bring in more residents, you will attract more commerce etc.

Gary Silver: I know one of the board members mentioned something about wetlands. There is a spring or something there

Maureen Crescitelli: Yes people still go there and get spring water

Joseph Medic: We will have to submit something to the DEC to see if it is wetlands

Gary Silver: If it is wetlands, you can't develop on it within 100 feet

Steven Green: While you are talking to the DEC, let's talk about the junk yard

Marisol Torrens: I looked and I didn't find anything

Maureen Crescitelli: It was a junk yard for many years

Gary Silver: a dirt cap was put in place but no real remediation of toxic chemicals was done. You would think if it was a junk yard the DEC would know. Was there a DEC case?

Steven Green: I looked and it probably wasn't reported to them

Maureen Crescitelli: I know all of the junk and everything was removed and the property cleaned up in the late 1990's. Were you aware of that?

Joseph Medic: I was not aware of that. I will have to look into that and make sure that it is safe.

Maureen Crescitelli: It went from this corner to this corner and all the way back and it was piled high

Gary Silver: Also, due to the conditions of the water and sewer mains in the area, testing needs to be done to support housing density of that size. Dave Burke is concerned about the fire flow not being able to support the required sprinkler systems needed. The sewer collection system was not originally designed to support this kind of volume. Engineering will need to be done. The storm water detention system will need to be defined early on. So you should be communicating with Dave Burke on these issues. His extension is 116.

Michael Loeffler: If the board is in favor, we would like to get approval

Steven Green: I am not in favor of a 3 story building

Gary Silver: They will need a variance first

Dara Smith: Do you have a mock u of what the building will look like?

Joseph Medic: Yes, this is the rendering of what it would look like. It has a nice modern feel to it. There is an apartment complex a few blocks down

Maureen Cresitelli: Will these be low income?

Michael Loeffler: No it will be for young, working families. We can change it around a little bit, but I don't want to put in all this money if it is not going to work. The need for housing here is so big. I am in the property management business and so many people want to come here because the services are so good here and the schools as well. I manage in Monticello, Fallsburg, Woodridge but most of the people who have families are looking for something in Liberty. I feel it is a big need and I would like to hear the feedback.

Joseph Medic: Let's go back to the storm water. We plan to have storm water storage areas under the parking and maybe try to fit some bile swales and if there is a play area, we can kind of enhance it

Marisol Torrens: Like a retaining pond?

Joseph Medic: Exactly. Regarding the water and sewer lines, we will go through it and make sure everything is good

Gary Silver: That all has to be done with the engineer. Marisol, can you please send the application to the engineer and ask him about the escrow?

Marisol Torrens: Yes I will send it to him

Maureen Crescitelli: Would you say this is middle income?

Joseph Medic: Yes

Marisol Torrens: I know Michael from when I worked in Fallsburg and I know a lot of his properties and the rent is affordable.

Steven Green: Is it affordable housing?

Gary Silver: It is not affordable housing in the legal terms for grants and such. She means it is affordable for people and the rent is not crazy.

Marisol Torrens: Exactly

Gary Silver: I know things can change based on expenses, but in your mind, how much rent will you be charging?

Michael Loeffler: In my mind I am going to charge between \$1500 and \$1800 a month. They are two bedroom apartments with a big kitchen and living room.

Gary Silver: I think what he is trying to ask the Board is, assuming all this technical stuff is met and dealt with, would the board be in favor of this type of application?

Michael Loeffler: Correct

Maureen Crescitelli: Assuming we get through all the hurdles and everything else, how quick are you looking to have these buildings up?

Michael Loeffler: It all depends but once we obtain approvals, within two years

Marisol Torrens: It takes time to do thing the right way and not cut corners

Maureen Crescitelli: I'm just asking because I saw them clear out all those tress in Loch Sheldrake and the buildings are already up. It was so quick. I just worry about the water and sewer.

Gary Silver: All these things, they will have to do and work with the engineer

Marisol Torrens: At their cost

Maureen Stabak: In my opinion, considering that area and what was there, this would be a vast improvement

Gary Silver: It is right across from the school and the amount of traffic it will generate needs to be considered as well. They will need to do a traffic study.

Multiple conversations amongst Board members. Inaudible.

Michael Loeffler: The market has changed a lot in the last few years. A lot of people work remotely now so they may have to go to the office one day a week. \$1800 for new construction is a grab.

Maureen Crescitelli: We just have to remember that there are a lot of single family houses around here. Are they going to want a 3 story building?

Gary Silver: They will need a variance first

Marisol Torrens: Yes and they can voice their opinion at the public hearing as well

Multiple conversation amongst Board members. Inaudible.

Steven Green: Do the people have rights for the spring well?

Maureen Crescitelli: This piece wasn't included on the application and it is land locked.

Marisol Torrens: We have to find out if there is a right of way in the deed because he said there is nothing that says that on his deed.

Maureen Crescitelli: There is a road here where people go to the spring

Marisol Torrens: So somewhere there has to be an easement to access this land

Gary Silver: First you have to find out how much escrow Dave wants. So you should start to speak with Dave Burke. There is a lot that needs to be done.

Michael Loeffler: I would like to say that when people see an investor come in and build new buildings people are happy because there are a lot of houses here that are for the dump.

Gary Silver: So start working on it and if there is more that you would like to present, the next meeting is June 13th so go see Marisol before the deadline. You should contact the DEC and make sure there are no issues with the wetlands and any possible oil spills. That is the last thing you want.

Motion to close the meeting was made by Maureen Crescitelli. Second by Stacy Feasel. Motion carried unanimously.

Meeting was adjourned at 7:10 p.m.

Stacy Feasel made a motion to adjourn the meeting. Dara Smith, second the motion. Meeting was adjourned at 6:23 PM.