

**Village Of Liberty  
Planning Board Meeting**

**Thursday, May 12, 2022, 6:00 P.M. Planning Board Minutes**

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**Present:**

**Steven Green  
Kassondra Johnstone  
Stacy Feasel  
Maureen Stabak  
Maureen Crescitelli**

**Also Present:**

**Gary Silver, Attorney  
Daniel Pollan, Code Enforcement  
Jasmine Bullaro, Clerk  
Louis DiCostanzo, Liberty Barrel Brewing Company  
Alex Kemp, Liberty Barrel Brewing Company  
Jeanne Martin, Healthy Kids LLC  
Ken Ellsworth, Keystone Associates  
Jennifer Colletti, Ahava Medical  
Earl Hayes, Redemption Express (325 North Main Street)  
Mike Perry, Frito Lay Inc  
Aryeh Barcan, 74 N. Main Street**

**Absent:**

**None**

Steven Green, Chairman, opens the meeting at 6:00 P.M. and leads everyone in the Pledge of Allegiance.

**ON A MOTION BY MAUREEN STABAK, SECONDED BY MAUREEN CRESCITELLI AND UNANIMOUSLY CARRIED, THE BOARD APPROVES THE APRIL MINUTES.**

**ON A MOTION BY MAUREEN STABAKCRESCITELLI, SECONDED BY STACY FEASEL, AND UNANIMOUSLY CARRIED, THE PUBLIC HEARING FOR LIBERTY BARREL BREWING COMPANY IS OPEN.**

Steven Green, Chairman reads the publication.

No one comments from the public.

**ON A MOTION BY KASSONDRA JOHNSTONE, SECONDED BY MAUREEN CRESCITELLI AND UNANIMOUSLY CARRIED, THE PUBLIC HEARING IS CLOSED AT 6:05 P.M.**

**Liberty Barrel Brewing (DhanLaxmi Holding) Tax Map# 115-1-19**

Gary Silver stated the county recommended approval in its 239-m review, and they also encourage the Village to look at traffic calming techniques. There will only be one employee who will not have to cross the road since there is parking on-site for him. When they come back to the Planning Board for an application for the restaurant we can discuss traffic calming techniques then.

Steven Green stated Dave Ohman from Delaware Engineering sent comments to Steven concerning the brewing process due to the methanol and ethanol. What are you doing with the poisonous substance?

Alex Kemp then states the fermentation process should not be that high. The beers are 4-5 percent alcohol, and it does not include methanol; they are fermenting with a sugar base.

Gary Silver states in Dave Ohman's letter from Delaware Engineering that he indicates that he believes that the Planning Board can approve the application, with the conditions set forth in his letter. Therefore, they need a site plan listing all of these conditions and they cannot get a Certificate of Occupancy until all conditions have been satisfied.

Steven Green stated that those are more of a building requirement including waste going out, which has to be treated a certain way.

Gary Silver states that there are 16 items in the letter that should be added as conditions, with an escrow of \$2,500 dollars.

Louis DiCostanzo stated the waste will be put into tanks that are going to be removed.

Gary Silver stated the applicant can provide and be approved subject to the applicant providing the approved changes and subject to the conditions.

Gary Silver goes through Part 2 of the EAF with the Board and advises that the answers must include consideration of the future restaurant. The Board answers each question in the negative.

**ON A MOTION BY MAUREEN STABAK, SECONDED BY STACY FEASEL AND UNANIMOUSLY CARRIED, THE BOARD ISSUES A NEGATIVE DECLARATION.**

**ON A MOTION BY, MAUREEN CRESCITELLI, SECONDED BY KASSONDRA JOHNSTONE AND UNANIMOUSLY CARRIED, THE BOARD APPROVES THE CHANGE OF USE SUBJECT TO THE CONDITIONS OF COMPLIANCE REFERENCING DAVE OHMAN'S LETTER FROM MAY 11, 2022; UNTIL THEN THE CERTIFICATE OF OCCUPANCY CAN NOT BE ISSUED.**

**Healthy Kids LLC Tax Map #114-2-1.2**

Gary Silver stated the name on the Owners Authorization form has to be amended to "HK Property Liberty LLC".

Gary Silver goes through Part 2 of the EAF with the Board. The Board answers each question in the negative.

**ON A MOTION BY KASSONDRA JOHNSTONE, SECONDED BY MAUREEN CRESCITELLI AND UNANIMOUSLY CARRIED, THE BOARD ISSUES A NEGATIVE DECLARATION.**

**ON A MOTION BY MAUREEN STABAK, SECONDED BY KASSONDRA JOHNSTONE AND UNANIMOUSLY CARRIED, THE BOARD SCHEDULES A PUBLIC HEARING ON THE APPLICATION, AS AMENDED, FOR JUNE 9TH, 2022 AT 6:00 P.M.**

**Keystone Associates Tax Map #122-1-1**

Gary Silver stated the sewer lines are in poor shape, the lines are not wide enough, and there is a lot of leakage and infiltration.

Gary Silver stated he talked to Lynn Barry and Lynn stated widening the sewer line going down West Street, which was proposed by the applicant, would not resolve the issue, due to the manhole by Chestnut Street that meets West Street and it runs behind Yaun Avenue. Dave Ohman had stated when we talked that the best way to determine the extent of what needs to be fixed is to do a camera study to detect the issues to understand how to fix them. The applicant should come to the next Village Board meeting and explain to the Board these issues to figure out the best possible way to get this started. The Village Board needs to make this decision, since only they can authorize someone to perform a camera test and allow access to the sewer line

Ken Ellsworth states when he talked to Randy Watson he mentioned a grinder pump method to Ken and it goes in the manhole and shreds everything to prevent any backup.

Maureen Stabak states in the past we talked about a transportation study because of the location of the school and all of the bussing.

Ken Ellsworth stated once it goes past this point they have agreed to do a traffic study, and that he is going to attend the Village Board Meeting on May 19th at 7 P.M. and present this project and do what they have to do.

Gary Silver stated that if Dave Ohman agrees to do a traffic study, send a letter or email to share with the Village Board.

## **Ahava Medical Tax Map #114-1-1**

Steven Green, Chairman, recuses himself because he did the original survey work for Ahava Medical, and Libby called Steve to do the addition. Stacey Feasel acts as Chair.

Jennifer Colletti stated they want this new structure so they have more space for patients and throughout the year the traffic alone is a lot and they have to keep in mind the wheelchairs and the access that needs to be provided for these patients to get proper treatment. The elevator and spare access on the side will give them direct access to the pool, bathrooms, and furthermore that they need. I can assure having that building there will provide us to be able to have the privacy that we require for patients. The main goal is to provide the best care while maintaining a flow while retaining the regulation of the Health Department to make sure it is not overwhelming or overbearing.

Gary Silver replies this is the 60-foot by 70-foot classroom, if so how many classrooms will be in the room.

Jennifer Colletti stated the large room would have twenty disabled children. Therefore it will be fully staffed, equipped, and up to code. This is where we provide for their fine motor skills, gross motor skills, etc.

Gary Silver states if there is going to be a daycare you will need a separate application for a change of use. These plans do not show walkways or anything from the existing structure lighting, the hour of operation, etc. In the wintertime, it will be dark so we will need a lighting plan they have to be downward facing and you also need a walkway on the plans.

Jennifer Colletti states the hours will be from 9:00 to 6:00. The kids will come in vans due to the chairs and they will come from the gravel driveway on top of Lake Street.

### **325 North Main Street Tax Map #104-11-19**

Earl Hayes stated the office will be a bathroom facility and the back building will be a storage facility for recycling, and sorting bottles to be picked up.

Gary Silver stated to the Board that if you believe this is a change of use or a similar use we will go through the process so they can do what they have to do. Each Board member agrees that it is a change of use.

Steven Green states the main concern is that the recycled stuff can bring rats and mice.

Earl Hayes stated once they get enough in bulk, a worker will come to take it. Also during the sorting process, they will have a water hook-up so the bottles are cleaned out to prevent bugs and rodents.

Gary Silver stated that the majority believes this is a change of use, so we will go through the process of considering the application. Justin Estates owns the neighboring property so he can amend to add the parcel if the parking is needed to either merge parcels 104-11-18 and 104-11-19 or you will need a permanent easement; otherwise the Board cannot approve when you do not have a legal right to use it.

Earl Hayes stated they will be open Monday through Saturday from 8:00 A.M. to 7:00 P.M. with two workers; maybe more employees in the future.

### **Frito Lay Inc Tax Map #113-3-5.1**

Michael Perry stated they are going to work on their ASF building Phase 2, deciding to do a different route. There will be 15,000 square feet of disturbance, and 30-35 parking spaces will be removed that will get restriped and painted.

Gary Silver stated we need to make sure prior things were approved and the applicant will need to amend the application because the bridge needs to be approved.

Michael Perry states this is an employee facility with locker rooms, changing rooms, meeting, break, and training space; there will not be any showers.

Steven Green stated when they originally came here, they'd been great, but this was to run the trucks through for loading and unloading and they weren't supposed to be coming through here anymore, but they're still coming through here. I've seen them drive-through and over top. Where's all the loading going on in the facility? That's the question.

Dan Pollan states when the bridge is approved, what they do is they come around the building to the right side of the new structure and to the loading bays in the front that are pretty much on Mill Street.

Gary Silver stated we will just amend the application. For the first application, you amend the application by a letter -- we try not to be too formal -- just indicate that we're adding it to this application. And I'm sure if you speak to the other engineers who handle that, they'll know exactly what we're talking about, and then add that to this. So this way everything can be done together because they really are integrated and that's going to go right through where your parking is supposed to be. Get a site plan showing traffic flow and showing where that bridge is and that'll help you also design the rest of your parking. Depending on where that's going to go, you may lose a few more spots also.

Steven Green stated that this is going to change the drainage.

Michael Perry states that it is at the high spot in the parking lot, and we have a connector that connects over that drainage area. The building is 10,000 square feet and the maximum peak is 17 feet.

## **74 N. Main Street Tax Map #108-11-16**

Gary Silver stated that 74 N. Main Street still owns the property, so you need to get a signed Owners Authorization from it.

Gary Silver stated to get private parking signs, "no parking", and putting them in the front of the building is not an obligation, but if you do not want anyone parking and taking up the truck's room that would be the best idea.

Aryeh Barcan states they will use the building as a commissary, to store the ice cream and build across from there

Gary Silver states they have to get a DOH-approved commissary; it is a special type of commercial kitchen that DOH approves.

Aryeh Barcan states they will be running 5 to 6 trucks about the size of a regular ice cream truck and will be open Sunday through Friday from 11 o'clock to 7 o'clock during June.

Dan Pollan stated he will get in touch with Lynn Barry to figure out the dumpster situation.

Steven Green stated it presents a problem with no parking in the wintertime, but he is not going to have people there so they have the off-street parking in the winter.

**ON A MOTION BY MAUREEN STABAK, SECONDED BY KASSONDRA JOHNSTONE AND UNANIMOUSLY CARRIED, THE BOARD SCHEDULED A PUBLIC HEARING ON THE APPLICATION, AS AMENDED, FOR MAY 12, 2022 AT 6:05 P.M. AND 6:10 P.M.**

**ON A MOTION BY MAUREEN CRESCITELLI, SECONDED BY MAUREEN STABAK AND UNANIMOUSLY CARRIED, THE MEETING IS ADJOURNED AT 7:56 P.M.**