**Village of Liberty Regular Planning Board Meeting**

**October 10, 2013 7:00 p.m.**

AMENDED

**Present:** **Also Present:**

Steve Green, Chairman Gary Silver, Village Attorney

Harry Rampe Pam Winters, Code Enforcement Officer

Jeff Miller Joan Stoddard, Trustee

Craig Case Jesse Shultis, Director of Operations, Ideal Snacks

Mr. & Mrs. Benjamin Chamus

Chairman Green opens the meeting at 7:00 p.m. and leads everyone in the pledge of allegiance. He also makes welcome our newest member, Craig Case.

**ON A MOTION BY HARRY RAMPE, SECONDED BY JEFF MILLER AND UNANIMOUSLY CARRIED, THE MINUTES OF THE SEPTEMBER 12, 2013 MEETING ARE APPROVED AS SUBMITTED.**

**# 11-13 Ideal Snacks**

**95 Mill Street**

**Site Plan Approval for Parking Lot**

Jesse Shultis, Director of Operations for Ideal Snacks LLC, is present in this matter.

Jesse: I'm here tonight at the request of Pam who says we need approval to use this lot in question as a parking lot. The last time we were here was to request approval to construct a building at this location.

This is the lot located between Root 52 and the Lincoln Motel where Grossman Tire used to be.

The Grossman Tire building has been demolished but the construction of a new building is on hold for now. In the meantime, we’ve been using the lot as a temporary parking lot. We have no intention of paving the parking lot because it would be a waste of money should we decide to build. So, for now, we’re utilizing the space as overflow parking for our employees.

Attorney Silver Let the records show that Ideal Snacks has submitted its site plan submitted by Carmine Ciccone Architects showing 26 parking spaces. Does the size of the spaces comply with our zoning?

Pam: Yes. 10’ X 20’.

Harry: How long is temporary?

Jesse: I can’t really tell you that. It could be six months or six years. It all depends on our next phase of development which is dictated by many factors; the future business economy, money, demand. Right now I just can’t say.

Attorney Silver: Pam, his application is just for site plan approval?

Pam: Yes.

Attorney Silver: It is not an application for site plan approval for a temporary parking lot, though. We don’t approve “temporary” parking lots. It is for a parking lot. If Ideal wants to do something there at a later time, it will have to come back before the Planning Board and seek an amendment to the site plan. Since they are just seeking site plan approval, there is no requirement for a public hearing or 239 review. If the board so chooses, it can grant approval tonight.

Chairman Green: I have no problems with this. If no one else does, I need a motion to approve the site. I would also ask that if Ideal Snacks has any other future plans for any development, construction, etc. that they please seek any necessary approvals BEFORE starting anything.

**ON A MOTION BY JEFF MILLER, SECONDED BY HARRY RAMPE AND UNANIMOUSLY CARRIED, IDEAL SNACKS IS GRANTED SITE PLAN APPROVAL FOR A PARKING LOT, WITH PARKING NOT TO EXCEED 26 VEHICLES, LOCATED AT 95 MILL STREET, LIBERTY.**

Jesse: Thank You.

**# 12-13 Benjamin Chamus**

**Site Plan Approval/Discussion Regarding**

**Major Subdivision located at North Delaware Avenue & Wawanda Avenue**

Mr. & Mrs. Chamus are present in this matter. Mr. Chamus is interested in purchasing several lots on North Delaware Avenue that are part of the former Zoli Kleinberger subdivision which was approved a few years ago. His intention is to combine the lots into one and then construct a one-family house on the property. He is here at Pam’s request because of a problem with one lot within the approved subdivision so that he can be directed on how best to proceed.

Attorney Silver: Your application indicates that you want to abandon the subdivision and build a one-family house. Neither one of those actions needs Planning Board approval.

Chairman Green: Isn’t there a house already on one of the lots?

Attorney Silver: Yes.

Chairman Green: Then you can’t abandon the subdivision. It would impact the existing house/property.

Attorney Silver: I don’t think that’s correct.

Gary quotes the pertinent law to the board and the public. There is a continuing discussion with regard the Wright’s existing driveway, the possibility of just merging the lots together and giving the Wright’s and easement to their driveway. There appears to be several different ways in which Mr. Chamus can approach this hurdle. He should speak with the County Real Property Tax Services, sellers, the Wright’s and his attorney to determine which path will be most cost effective and efficient to do. If he has any further questions, he’s more than welcome to call us. At this time, there is no action for the board to take.

**OTHER BUSINESS:**

Pam: A real estate broker called with regard to a 5+ acre of property located behind Liberty Servicenter on North End Avenue. The owner would like to know if the zoning, which is C-Commercial would allow the outdoor storage of piled tires to be used on roadways; there would be no building constructed or indoor storage. The tires are bundled 5 in a stack and wired together to be used with cones/pylons during roadside construction. The bundles would be delivered to the site and then moved elsewhere as needed, the property thus becoming a transfer station.

After checking the zoning, Attorney Silver is of the opinion that such a use would NOT be allowed. If the owner would like to present a site plan/special use permit application for an actual warehouse structure to store the bundled tires, the board would review that application. But there’s no provision for outside storage of any material in this type of zone at this time.

**Schoolbell Townhouses (now known as Liberty Luxury Apartments):**

Pam has asked the board and attorney for some guidance and clarification on what criteria is needed when issuing Certificate of Occupancies for 13 pending building permits.

As the development sits right now, 10 structures were approved; 7 are constructed. Two of the seven buildings, located on Timberwolf Road, are totally occupied and complete with landscaping, blacktop and drainage. Of the remaining 5 buildings, 1 is nothing but a shell and 4 are half done. On Danica Way, where those remaining 5 structures lie, there is barely any landscaping and no top coat of blacktop. Even though the road is private, this is of much concern to the Village.

When discussed with the new owner, he is reluctant to do any further improvements to the infrastructure or property until the last shell unit is complete. Pam’s question to the board is can she withhold the c/o’s pending the completion of this work.

There is much discussion amongst the board members as they review what paperwork is available. There are no road profiles on file, there is no landscaping plan in the file, and final approval was conditioned upon the Village “receiving a complete set of plans with road profiles incorporated into them, and contingent upon sewer and drainage details being provided.” Since the board is lacking this necessary paperwork, Attorney Silver suggests that these items be provided to us by the current owner BEFORE any c/o’s are issued. Mr. Martin should contact Randy Wasson, the engineer for this project, to obtain a full and complete set of plans and submit them before our next Planning Board meeting..

**ON A MOTION BY CRAIG CASE, SECONDED BY JEFF MILLER AND UNANIMOUSLY CARRIED, THE MEETING IS ADJOURNED AT 8:05 P.M.**

Respectfully submitted,

Pam Winters, Clerk

Amended October 30, 2013 Approved: November , 2013