Village of Liberty Planning Board

Regular Meeting

January 10, 2019 7:00 p.m.

**Present:** **Absent:**

Steve Green, Chairman Malek Rabadi

Joan Stoddard

Maureen Crescitelli

Ernie Feasel

**Also Present:**

Gary Silver, Village Attorney

Pam Winters, Code Enforcement Officer

Randy Wasson, P.E.

Joshua Chaudhry

Matt & Tina Johnstone, Liberty Pet Ranch

David Wechsler, DSEL Liberty, LLC

Daniel Seligsohn, DSEL Liberty, LLC

Lou DeCostanzo, Last Licks Holding Co.

Jonathan Rodriguez (Chef), Last Licks Holding Co.

Justin & Megan, 2 LHS. Government Class students

Chairman Green opens the meeting at 7:00 p.m. and leads everyone in the pledge of allegiance.

**ON A MOTION BY JOAN, SECONDED BY MAUREEN AND UNANIMOUSLY CARRIED, THE MINUTES OF THE DECEMBER 13, 2018 MEETING ARE APPROVED AS SUBMITTED.**

**ON A MOTION BY JOAN, SECONDED BY ERNIE AND UNANIMOUSLY CARRIED, THE PUBLIC HEARING FOR LIBERTY PET RANCH IS OPENED AT 7:00 P.M..**

Pam informs everyone that eleven (11) certified notices were mailed out, eight (8) were received and three (3) are still unknown at this time. She also received a written letter of support from CES which Chairman Green read aloud and will be included as part of tonight’s minutes. Pam also lets everyone know that John Van Etten stopped by her office with questions about the business plan, hours of operation, etc.. Pam gave him a copy of Matt & Tina’s business plan to review and he had no problems with any of it.

**ON A MOTION BY ERNIE, SECONDED BY MAUREEN AND UNANIMOUSLY CARRIED, THE PUBLIC HEARING IS CLOSED.**

We’ve not received the 239-m comments back from the County yet. The County is saying they never received an application to review, yet Pam has it noted that the application was hand-delivered to them on December 18th. There’s a brief discussion regarding this and, from now on, every effort will be made to forward information to the county via e-mail so there’s an electronic confirmation of delivery.

Attorney Silver advises the applicants that the board is unable to take any action on the application because 30 days has not yet passed. The matter is tabled until the next meeting on February 14th.

**CONTINUED REVIEW**

**# 09-2018 LAST LICKS HOLDING LLC**

**89 SULLIVAN AVENUE**

Lou DeCostanzo is back tonight with an amended site plan as the board requested at the last meeting. The amended site plan shows the dimensions of the building as it stands now and it also shows the dimensions of the proposed addition. The site plan also shows that the requirement for six (6) additional parking spaces can be met. There will be a total of 28 parking spaces upon completion of this project.

The board is satisfied and has no further questions.

**ON A MOTION BY JOAN, SECONDED BY ERNIE AND UNANIMOUSLY CARRIED, THE BOARD APPROVES THE SPECIAL USE PERMIT/SITE PLAN FOR THE CONSTRUCTION OF AN ADDITION FOR LAST LICKS HOLDING, LLC.**.

**NEW BUSINESS**

**# 01-2019 NANBI, L.L.C. SITE PLAN/SPECIAL USE PERMIT**

**200 NORTH MAIN STREET**

Jashubhai Chaudhry, property owner, and his engineer Randy Wasson, are present in this matter and introduce themselves to the board.

Randy: Good evening. We’re here tonight to request permission to demolish the structure presently located at 200 North Main Street, and more commonly known before as Pankonin Insurance, and construct a laundromat with an employee apartment on the second floor. The property is zone C-Commercial. The proposed building will be 2,800 square feet in size with a second story apartment for the laundromat caretaker. We’re proposing twelve (12) parking space with two (2) handicap spaces.

Access to the second floor will be from stairs on the side of the building closest to the Exxon station. I do have some questions with regard to zoning stipulations that may warrant the need for a variance and I’d like to go over them with you now.

The lot width of the parcel is 90’. The zoning requires 20’ of greenspace in front of the building which poses a bit of an issue. There are also two (2) parking spaces on the street that we need to take into consideration.

The discussion continues between Chairman Green, Attorney Silver and the applicants and the final determination is that Mr. Chaudhry will need to apply to the ZBA for three (3) variances, those three sections of the zoning ordinance include:

* **Section 87-16A (6**) – Where industry standards are inadequate for the particular use or site involved or such standards are unavailable, the following standards shall be applied by the Planning Board or the Code Enforcement Officer, as the case may be: Commercial uses = 1 space per 250 square feet of floor area.
* **Section 87-16F (2)** – There shall be no more than one exit to any business or commercial use parking area on any one highway unless safety considerations should demand it. Each entrance and exit shall be clearly defined with curbing, fencing or vegetative screening so as to prevent access to the area from other than the defined entrance and exists. In no case shall one entrance and exit be located within fifty (50) feet of any other on the same property or adjoining property along the same public right-of-way. Previously developed non-conforming lots, however, may be exempted from this requirement.
* **Section 87-16G** – All non-residential parking and loading areas and parallel circulation and service lanes shall be separated from the paving edge of a public thoroughfare or adjoining property lines by a planting strip at least twenty (20) feet in depth landscaped according to standards provided herein for such landscaping.

Pam also wanted to point out that copes of the site plans were sent to our Department Heads for review and comment. Neither Peter nor Ken have any issues with the site plan. The water connection will be made off of Academy Street. Rebecca didn’t respond.

There’s also no reference to the location of the dumpster enclosure. Randy advises everyone that’ll it’ll be on the left side of the building. Sharing a dumpster location with the Exxon station will not be a possibility.

**ON A MOTION BY JOAN, SECONDED BY MAUREEN AND UNANIMOUSLY CARRIED, THE BOARD DECLARES ITSELF LEAD AGENCY IN THIS MATTER.**

Pam will send a variance application to Randy to complete and submit. This application is tabled until further notice.

**CONTINUED REVIEW:**

 **# 10-2018 DSEL LIBERTY, L.L.C. SITE PLAN/CHANGE OF USE**

 **1855 N.Y. S. ROUTE 52E**

David Wechsler is back before the board tonight and is accompanied by the son of the owner who is also a partner in the corporation, Daniel Seligsohn.

David: Good evening everyone. We’re back tonight to bring you up to date on some additional information which you asked for at the last meeting. We’ve researched several areas to try to determine any type of industry standards for parking for this type of entertainment business; we’re unable to locate anything. We’ve spoken to other companies who’ve opened similar businesses and feel we have a good understanding of how things need to be.

For safety reasons, we would unload and load bussed-in patrons in front of the entry door and relocate the busses when not in use to the “pigeon corner” adjacent to Dunkin Donuts.

At last month’s meeting, you had questions about security. I spoke at length with your Chief of Police, Scott Kinne. He feels the best thing we can do is to install security cameras inside and out like all of the other businesses in town do. And we’ve assured him we’ll do that.

Chairman Green: Do you have a photo anywhere of the signage you plan to use? Something that you could show us what it’ll look like?

David: I do have something but not with me. I can bring it to the next meeting. We’re not just sure yet as to what the name of the business we’ll be; we’re thinking along the lines of Liberty Fun Spot.

**ON A MOTION BY JOAN, SECONDED BY ERNIED AND UNANIMUSLY CARRIED, THE PUBLIC HEARING FOR DSEL, LLC. WILL BE SCHEDULED FOR THURSDAY, FEB. 14, 2019 AT 7:00 P.M.**

**OTHER BUSINESS:**

Chairman Green continues to have concerns about the residents staying at Arcadia. The Police Department continue to respond to calls there roughly 3-4 times per day. He’d like to see the number of responses made since the last time we requested this data. Pam will follow up on getting the printouts again.

**ON A MOTION BY JOAN, SECONDED BY ERNIE AND UNANIMOUSLY CARRIED, THE MEETING IS ADJOURNED AT 8:00 P.M.**

Respectfully submitted,

Pam Winters, Clerk Approved: Feb. 14, 2019