

Village of Liberty

Planning Board Minutes

Thursday, December 12, 2024, 6:00 P.M.

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

Also Present: Gary Silver, Village of Liberty Attorney, Marisol Torrens, Code Enforcement Officer, Dave Burke, Thomas Zweck, Jaime Peralta, Miguel Casanova and Abhishek Patel.

Absent: Maureen Stabak, Denise Corbett

Motion to approve planning board minutes from October 10, 2024 and November 14, 2024 made by Maureen Crescitelli. Seconded by Dara Smith. Motion carried unanimously.

PUBLIC HEARING:

1. JAIME PERALTA – SBL# 104-1-4

Steve Green made a motion to open the public hearing at 6:00 pm. Seconded by Maureen Crescitelli. Motion carried unanimously.

No public comments.

Motion to close the public hearing at 6:02 pm made by Stacy Feasel. Seconded by Dara Smith. Motion carried unanimously.

2. 76 CHAMPLIN LLC – SBL# 107-3-9

Motion to open the public hearing made by Stacy Feasel. Seconded by Dara Smith. Motion carried unanimously.

No public comments.

Motion to close the public hearing made by Dara Smith. Seconded by Stacy Feasel. Motion carried unanimously.

3. 240 CHESTNUT ST LLC – SBL# 110-3-18

Gary Silver, we got the 239-M back and it is for “local determination”.

Motion to open the public hearing made by Maureen Crescitelli. Seconded by Stacy Feasel. Motion carried unanimously.

Gary Silver, this is a special use permit to allow 4 apartments right?

Thomas Zweck, yes. We already have two upstairs and we are going to put two more downstairs.

Steve Green, there is a question about the code right?

Marisol Torrens, if you read my email, the question is about the zoning. To be a multi family, it has to comply with the code section, so it might be a mistake or something but it has to be legally fixed before we can approve this.

Gary Silver, I disagree with you.

Marisol Torrens, why?

Gary Silver, because as an attorney, if there is an ambiguity in the zoning law, by law, it must be in favor of the applicant or property owner.

Marisol Torrens, how can you approve something like that? Because when they come to me for a permit, I am going to send them back to you because I have to follow the code and that code section right there is for a multi family development and this is just one dwelling with four apartments so they will have to come back here. If that code is not fixed, I cannot approve it.

Stacy Feasel made a motion to close the public hearing. Seconded by Maureen Crescitelli. Motion carried unanimously.

OLD BUSINESS:

1. **JAIME PERALTA – SBL# 104-1-4** – Requests approval to convert a single family house into a 4 family house. Current owner purchased the house that was already a 4 family and he is looking to legalize it with the Village. Zone: R-2. Address: 30 Marion Ave.

Gary Silver asks the questions on the EAF and the board answers “no” to all questions.

Stacy Feasel makes a motion for negative declaration. Seconded by Maureen Crescitelli. Motion carried unanimously.

Motion to approve the application was made by Steve Green. Seconded by Dara Smith and carried unanimously.

2. **76 CHAMPLIN LLC – SBL# 107-3-9**- Requests approval to add an apartment in the attic of existing building. Current owner purchased the house in this existing condition and he is looking

to make the apartment legal. This apartment is currently rented. There are currently 6 apartments, which includes the attic apartment. Zone: R-2. Location: 76 Champlin Ave.

Steve Green asks Marisol if she is okay with this application?

Marisol Torrens stated that she was okay with it as she went there for a fire safety inspection and everything looks good. The only concern I have is the fire escape because I couldn't remember if there was one there but they said there is one. It was in the bedroom, right?

Miguel Casanova, yes.

Marisol Torrens, okay. So I don't have any concerns at all.

Gary Silver asks the questions on the EAF and the board answers "no" to all questions.

Dara Smith makes a motion for negative declaration. Seconded by Stacy Feasel. Motion carried unanimously.

Maureen Crescitelli makes a motion to approve the application. Seconded by Stacy Feasel. Motion carried unanimously.

- 3. 240 CHESTNUT ST LLC – SBL# 110-3-18** – Requests special use to re-establish the use of 2 apartments that are above the store front. Apartments have been vacant for 25 years. Apartments are currently rented illegally. Zone: C. Location: 240 Chestnut St.

Marisol Torrens, if you look at the bulk table, it states very clearly to refer to code section 87-29.

Gary Silver, that is clearly an error.

Marisol Torrens, I agree with you but it still has to be fixed.

Gary Silver, you can still issue building permits.

Marisol Torrens, no I won't because he is not building a development.

Gary Silver, I understand what you are saying but if you go to our definitions

Marisol Torrens, it is not the definition. I know what the definition is.

Gary Silver, we have a disagreement.

Marisol Torrens, you can approve it but it will be back down here.

Gary Silver, the definition of a multi family is a building or portion thereof containing more than 2 dwelling units but intended for single ownership. Single ownership is not intended for a cooperative. Regardless of the fact that it references a code section, it still states that multi family is allowed.

Marisol Torrens, I understand that but how the code states it, it references another section of the code and I have to follow what it says there. I agree that it is an error, but I cannot issue a permit until the error is fixed.

Gary Silver, I disagree because if there is an error, it is supposed to go in favor of the property owner.

Thomas Zweck, I am not in a rush. Do what you need to do. I don't need people in there.

Marisol Torrens, you have them rented already.

Thomas Zweck, yes the two apartments.

Marisol Torrens, but right now you are not even in compliance with the two on the top but that is another subject.

Gary Silver, stay for the Village Board meeting which is right after this one and I will see if we can get it fixed. At this juncture, let's go through the EAF. All the questions on the EAF are read and the board answers "no" to all questions.

Dara Smith made a motion for negative declaration. Seconded by Stacy Feasel. Motion carried unanimously.

Gary Silver, if the board has any questions, ask them now.

Steve Green, we are looking for parking and lighting.

Dara Smith, these are the parking spots? So they park wherever they want, there is no assigned spots?

Thomas Zweck, no. There are 13 spots laid out here plus the two handicap spots. There was a question asked about where parking is for Kora Components. They park across the street in the parking lot.

Dara Smith, so the employees park over here? Okay.

Dara Smith, so the trucks come in over here for Kora?

Thomas Zweck, no they come in over here.

Dara Smith, so no trucks come in over here for Kora?

Steve Green, when they did the site plan they showed them coming in over here.

Dara Smith, I have seen trucks come in over here.

Thomas Zweck, well they back in over here.

Steve Green, they have a specific route for when they leave the village that they have to follow so that they don't interfere with Main Street.

Thomas Zweck, that was of Kora's choosing. That wasn't addressed in any of the meetings.

Steve Green, yes it was.

Thomas Zweck, I was in all of the meetings and I don't recall that.

Steve Green, it was discussed in the meetings because there was a concern about trucks on Main Street.

Steve Green, we need a lighting plan.

Dara Smith, do you happen to have a rendering of the front view of what this will look like when it is all done?

Thomas Zweck, it will look no different than it does now. The front entry doors will be changed.

Dara Smith, right now you have showroom doors there.

Thomas Zweck, they are being left and a center wall is going down the middle. There is another plan that I submitted.

Gary Silver, Marisol, he said he submitted another set of plans.

Marisol Torrens, that is for the inside layout.

Dara Smith, so the window is going to stay, alright. Those are big apartments. The draperies are going to be expensive.

Thomas Zweck, they plan on not providing drapery but they are going to do shading for them.

Dara Smith, okay.

Thomas Zweck, not only that, they are providing the heat so the shading will help with the heating cost. So when is the next meeting?

Gary Silver, it is the second Thursday in January. Please stay for the Village Board meeting which is tonight right after this meeting.

Thomas Zweck, okay. I will.

4. **THE LEBOVITS LLC – SBL# 114-1-1.1** - Requests to add a pharmacy on the second floor of an existing building. Address: 25 Carrier Street. Zone: Commercial.

Gary Silver, Marisol can you please give us an update on what is going on and what the DOH said?

Marisol Torrens, when I spoke with the DOH, they said that they don't have any language in their laws that they enforce regarding one building being tied into another on the same parcel. There only needs to be a backflow preventer. I looked in the plumbing code and I didn't see anything.

Gary Silver, they said they don't think there is anything in the plumbing code.

Marisol Torrens, right.

Steve Green, does it have a backflow preventer?

Marisol Torrens, yes it does.

Gary Silver, as far as DOH is concerned, the way it is set up now is fine.

Marisol Torrens, yes.

Gary Silver, so the conditions that were discussed is the ramp is for emergency egress only, no public access. Also, there will be no patients there picking up medicine. All medication will be sent out.

Gary Silver, Dave, Marisol contacted the DOH and the DOH said that the manner in which their curbing is set up is absolutely legal.

Dave Burke, going through an adjoining building?

Gary Silver, yes that was specifically addressed.

Dave Burke, I will have a discussion about that later I guess.

Gary Silver, there is no problem with one building feeding another building.

Marisol Torrens, they have a backflow preventer.

Gary Silver, if you don't have any other questions, then you can entertain a motion to approve with the conditions mentioned.

Dara Smith made a motion to approve the application with the conditions stated by Gary Silver. Seconded by Stacy Feasel. Motion carried unanimously.

NEW BUSINESS:

1. 2071 ROUTE 52 PROPERTY LLC. – SBL# 121-1-1.1- Requests special use to demolish the existing building and convert the site to an express car wash with vacuum station and apartments on the second story of the building. Zone: C. Location: 2071 Route 52.

Abhishek Patel, I am the applicant of the project located at 2071 SR 52. The property was previously an Italian restaurant and has been closed for a few years. My plan is to completely demo the building and rebuild an automatic car wash with 12 free vacuums and at the top of the building, we are planning to do two apartments to help the project financially. This automatic car wash is designed to wash 1 car per minute. We are also proposing 11 parking spaces for the apartment on top and for the employees. There will be 4 employees so there will be 7 parking spaces for the apartments.

Gary Silver, the plan I saw was for the business, but you are also going to have apartments up top.

Marisol Torrens, this is a commercial zone and the village does not have mixed use.

Gary Silver, we do not have a section in our code that requires one principal use.

Marisol Torrens, again, I do not see a mixed use in there. That is the reason you made the other applicant at 240 Chestnut to do apartments in the bottom as well. The bottom of 240 Chestnut is offices and he is in a commercial zone and the top is apartments and you denied him and that is the reason he amended his application to make two more apartments on the bottom because it makes it a multi family.

Steve Green, that was the only way to make that work.

Marisol Torrens, this is the same scenario. Business on the bottom and apartments on the top.

Gary Silver, there is nothing that precludes that in our code.

Marisol Torrens, so why did you send him to do 4 apartments?

Gary Silver, because he couldn't just do 2 apartments in that zone.

Marisol Torrens, why?

Gary Silver, because the way the zone is.

Marisol Torrens, he is commercial too. It is the same thing.

Steve Green, he is trying to do 2 apartments also.

Dara Smith, so you would have to do more than 2 apartments.

Gary Silver, reads the definition of multi family again. It doesn't say anything about apartments.

Marisol Torrens, so why did you make the other guy change his application? Do you understand what I am saying?

Gary Silver, he can be a two family dwelling. He is in a commercial zone.

Marisol Torrens, so was the other applicant. They are both in the commercial zone.

Gary Silver, I understand. Last time we were saying that it has to be a multi family.

Dara Smith, that is the problem.

Marisol Torrens, the other applicant has two apartments right now actually and it was going to be denied because he has a business on the bottom and two apartments on the top. That is the same thing with this application.

Gary Silver, our code is very confusing. For a two family, it says the minimum lot area shall be 135% of that of which is required for a single family.

Steve Green, that is for separate buildings though. That is for a house.

Gary Silver, the definition does not require it to be separate.

Marisol Torrens, that is the definition of what is a two family and a multi family. That is the definition of what it is but the code section is where it applies.

Dara Smith, when was the last time the code was revised?

Gary Silver, 2007.

Dara Smith, the question is, how do we help this gentleman?

Steve Green, first of all, he needs a full site plan before we can do anything. He is on Route 52 which is a state highway. You are at a red light which can be turned into an access way for a four way entrance.

Marisol Torrens, they have to have a 239 review then they will make a determination.

Gary Silver, yes the DOT will send comments if they have any.

Marisol Torrens, have you guys seen the one in Rock Hill?

Steve Green, yes.

Marisol Torrens, so he is the same owner as the one in Rock Hill.

Gary Silver, the question is if they allow multiple dwellings in that zone and if so, do they allow a building with apartments in it. The second question is can it be apartments or does it have to be separate? I know there is a big push in the state for housing, but that doesn't necessarily mean that is what the Village wants to do.

Marisol Torrens, I have another issue with the R-1 zone. It says one building but it can be two family for a duplex. So it would be two buildings with 4 units. That would be considered multi family and if you read the code back and forth, it does not make any sense.

Gary Silver, if they just got rid of that reference it would be good because then 87-29 would apply if they do a development. We will figure out a way to change it so that it makes sense. We don't find out these ambiguities until someone makes an application.

Abhishek Patel, my engineer also researched the code and he is the one who came up with this plan.

Steve Green, who is your engineer?

Abhishek Patel, Larry Marshall from MNTM. He researched the code and came up with the two apartments.

Steve Green, the thing is that there is no apartments allowed above buildings in that location down there.

Gary Silver, this is something that is going to have to be looked at by the board. They may just say they don't want that and I will say that we need to amend the code to make that clear or they will say yes that makes perfect sense and I will say that we need to amend the code to make that clear. I can assure you that in 3 or 4 more meetings, we will find something else. It just happens. People amend one section but don't amend the other section.

Dara Smith, you can move forward with the car wash and then maybe go for the apartments later.

Gary Silver, so if you have any questions about the car wash, why don't you ask them now.

Marisol Torrens, he just wanted to get the process started and test the waters.

Gary Silver, we are starting our Village Board meeting at 7 o'clock, so if you want to wait also, we can just point out that two things came up and we can explain it and see what they say.

Steve Green, but at the same time, it has to work in that zone and area.

Gary Silver, it is a commercial zone and you can have two family dwellings.

Steve Green, but in separate buildings.

Gary Silver, not in the definition and that is the thing.

Steve Green, the code has to be reviewed.

Marisol Torrens, I have a stack already but I just don't have the time.

Steve Green, so for the car wash, we will need a full site plan.

Marisol Torrens, ok so anything else? Tell him now so he can make all the changes and get everything he needs.

Steve Green, where did Dave go because Dave was asked about the water?

Marisol Torrens, he is outside. They are going to do a recycling center and recycle the water.

Steve Green, because that is 12,000 gallons a day.

Gary Silver, I know somewhere in that area is a pump station.

Marisol Torrens, it is by the Days Inn.

Abhishek Patel, so can we get Dave or the town engineer to tell us how much water? I can reduce the water usage by 75% and instead of 12,000 gallons, it will be 3,000 gallons. There is a way to do it but it is costly and I obviously don't prefer to do it that way. I like to use fresh water but we can recycle the water and reduce the usage. Freshwater is better for the machines because it is better quality.

Gary Silver, that is something that Dave would have to say.

Abhishek Patel, right. So if he says there is no capacity, we will reduce the water by 75%.

Marisol Torrens, I can say that in Rock Hill, when the attendants come and talk to you and give you the free vacuum, they manually turn the water on and once your car is out, they turn the water off. It is not constantly running. It is very technical. The machine reads your license plate and everything. I like it.

Gary Silver, we need to talk to Dave and he will let us know if there is enough water or whether there is a problem. If there is a problem then he will say to fix the pump station, which will cost you a fortune or he will say that the most we can do in that area is X and he will let us know. That is something you will want to know before you spend a lot of money.

Abhishek Patel, I agree. Thank you.

Motion to close the meeting was made by Stacy Feasel. Second by Dara Smith. Motion carried unanimously.

Meeting was adjourned at 6:52 p.m.