**Village of Liberty Planning Board**

**Regular Meeting**

**January 23, 2014 6:30 p.m.**

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

Steve Green, Chairman Gary Silver, Village Attorney

Harry Rampe Pam Winters, Code Enforcement Officer

Craig Case Len Brown, Wasson Engineering

Jeff Miller Randy Wasson, Wasson Engineering

Malek Rabadi Isaac Goldman, Yeshiva Ahavas Israel

Robert Lauro, The Lauro Group

Tom Flannigan - Rep. from Real Estate Company

Gregg Conover, Conover LLC

Frank Nutt, Jr. + 2

Chairman Green calls the meeting to order and leads everyone in the pledge of allegiance. He makes welcome our newest board member, Malek Rabadi.

**PUBLIC HEARING 6:30 P.M.**

**# 13-13 BITSY’S A-ONE CAR WASH LLC**

**10 SULLIVAN AVENUE**

Chairman Green opens the public hearing up at 6:40 p.m. and reads the legal notice into the record. Six (6) certified notices were mailed out, one was returned and all others received.

There is no one present for the public hearing but, because the hearing was opened late, the public hearing will remain open for some time to allow time for late-comers to speak.

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

**CONTINUED REVIEWS:**

**# 15 -13 SHOPRITE SUPERMARKETS**

**NYS ROUTE 52 EAST**

**SPECIAL USE/SITE PLAN REVIEW TO**

**CONSTRUCT A 14,000 SQ. FT. ADDITION**

Robert Lauro is present in this matter. Since the last meeting, he has revised his site plan and added other pages including removals, partial grading, drainage and utility plan, lighting and landscape plans.

Rob: Good evening everyone. I’m Robert Lauro from the Lauro Group. Tonight I’m here with a representative from the real estate side with me, Mr. Tim Flannigan, and Mr. Gregg Conover, a representative from the landlord. I believe the last time we met in December, we did a preliminary presentation of the project. We were about 60% complete on the plan design. The purpose was to explain our project and get some feedback from you to be included in our final design package which you now have before you tonight.

I’d like to tell you what’s changed since our last discussion. The good news is that very little has changed other than we’ve submitted more details of the site development. But as far as the site plan is concerned, we’ve reconfigured the front parking area. We’re taking over this little out-parcel here. We have two-lane circulation existing over here so we’ve changed our original parking design to match and re-striping the arrows here. That is probably the most significant change since our last time here.

There’ve been some internal modifications to the floor plan but that doesn’t affect the site plan approval process. The only other item that I did add in, which is part of the civil engineering, is to add a grease trap. The store is already serviced by two grease traps at the front of the store.

This new grease trap will be located at the back of the store situated behind the existing Blockbuster tenant space.

Pam: How large is this grease trap?

Rob: It’s a 2,800 gallon – 3,000-unit which allows me roughly a 25% expansion for the future. It’s located in the back of the building because this is where most of the effluent will flow so I wanted it to run the shortest distance. We’re running the sewer line under the floor because we have to chop out the floor in the Blockbuster location due to the difference in elevation between stores. The sewer line will then be connected to the existing manholes at the front of the store.

Attorney Silver: Have the plans been sent up to the engineers for review?

Pam: No. I’ll be sending them up tomorrow via e-mail and USPS.

Attorney Silver: It’ll include the SWPP plans?

Rob: Yes.

Chairman Green: Have the plans been sent to the NYSDOT?

Rob: No, not yet. I was waiting to get your comments before submitting anything to them.

Chairman Green: The one way in, one way out, which I like, are you striping the center?

Rob: No (gives inaudible explanation).

Chairman Green: You’re not putting signage in the middle?

Rob: No, it’ll probably get knocked over and damaged.( Explains DOT requirements).

Chairman Green: Did you contact the neighboring apartment complex about your proposed changes?

Rob: I’m glad you brought that up. No, I have not yet. But we’ve added an additional cross walk over here. This is the one they’re accustomed to using but we’ve added another one over here.

There’s a brief discussion regarding impervious surfaces which is part of the SWPP plan.

Chairman Green: What about lighting?

Rob: The lighting is staying the same; we’re just relocating its spread. It’s too expensive to take down all of the poles to keep harmony throughout the mall. We’re not changing the height of the poles. We have lamp units here and canopy lights here.

Chairman Green: The sign here was in the parking lot…

Rob: We have not yet settled on the number of signs, location, and size of signs. Those details are still being worked on. The landlord is actively looking to bring in new tenants and would like those proposed signs to work for the new tenants as well. If we need a variance for number, height or size, or set-back requirements, we have no problem with that.

Pam: The only thing we discussed was that because zoning restricts ground signs to only one, they’d need a variance to establish more than one. There is no requirement for the level of illumination in our Sign Ordinance.

Chairman Green: What is this here? Is this a sewer easement? The only reason I ask is because there’s a sign in the sewer easement.

Rob: That’s a NYSOT drainage easement. When we went to the DOT to discuss this proposal, they said they’d review it and make a decision at that time. We just can’t put anything permanent in the easement. A sign can be moved.

Chairman Green: Is there a landscape buffer here?

Rob: We have 10 feet shown. Look at the submitted details. We have a short hedge row here and there’s an area of low-lying plants here. We have shown pavers over here.

Chairman Green: Does anyone have any other questions?

Malek: Yes, I do. Going back to the lighting items, in looking at this new walkway, do you think that the lighting along this area is sufficient?

Rob: Yes, I’ve added some additional lights over here. They’re different than the existing ones.

Malek: Oh, now I see. Thank you.

Pam: Is this OK to send to the County for 239 review?

Attorney Silver: Yes.

Per Attorney Silver, the applicant should send a notice to the NYSDOT to see if they’d like to be lead agency in this matter. Gary refers Rob to Glenn Smith for the correct forms and/or verbiage used. Chances are, they won’t be interested but procedure should be followed. We could schedule a public hearing for next month but we should really hold off until we at least hear back from the engineers. By that time, we should have review comments back from both the engineers and the County. Any changes they propose should be minor but if we have to resend it, we can do that. Rob explains where things stand with the SWPP design. The design and plans are done. What’s taking time now to do is preparing the administrative compilation of the SWPP book.

Rob: Thank you very much for your time.

**CONTINUATION OF PUBLIC HEARING FOR BITSY’S CAR WASH**

**ON A MOTION BY MALEK RABADI, SECONDED BY HARRY RAMPE AND UNANIMOUSLY CARRIED, THE PUBLIC HEARING IS CLOSED.**

Attorney Silver reads the SEQR form into the minutes.

**ON A MOTION BY CRAIG CASE, SECONDED BY MALEK RIBADI AND UNANIMOUSLY CARRIED THE BOARD DECLARES A NEGATIVE DECLARATION IN THIS APPLCATION.**

**ON A MOTION BY CRAIG CASE, SECONDED BY HARRY RAMPE AND UNANIMOUSLY CARRIED, THE APPLICATION FOR BITSY’S CAR WASH LLC TO CHANGE THE USE OF HIS PROPERTY FROM A CAR STORAGE LOT TO A CAR SALES LOT IS HEREBY APPROVED. THE MAXIMUM NUMBER OF CARS DISPLAYED IS NOT TO EXCEED TWENTY (20). IF JEFF LOSES HIS AUTO SALES TENANT, THE AUTO STORAGE LOT MAY REMAIN**.

**# 01 – 14 S & N DEVELOPMENT LLC**

**CHESTNUT STREET**

**SPECIAL USE/SITE PLAN APPROVAL**

Frank Nutt, Jr. is present in this matter as is his engineer, Randy Wasson.

Frank: Good evening. I’m Frank Nutt, Jr. and I’m the owner of S & N Development LLC. Mid- 2005-06 we started the application process before this board to construct an apartment complex consisting of five (5) apartment buildings with seventeen (17) units in each one for a total of eighty-five (85) apartments. The project also included two (2) commercial structures, with no specific businesses in mind.

The property presently exists as six (6) separate lots that will be merged into one (1) lot, and then subsequently subdivided into two (2) lots, the commercial buildings being on the front lot and the apartment complex on the back lot. The property is zoned C-Commercial along Route 52 and R-2, High Density Residential on the back lot. We complied with the zoning at that time. We received conditional final approval in late 2007-08 and it was extended into 2009. In 2009 towns and villages were only allowed to grant conditional final approval for one year with two, 3-month extensions. We expired all of those so the village said they’d revert us back to preliminary approval because you can keep preliminary approval indefinitely and that was fine with us. At the time the market fell apart and there was really no need for apartments or commercial development. In 2010 the State came down and said anybody that that conditional final approval will be able to get extensions but, by that time, we were already back to preliminary approval. We filed our Notice of Intent, we have our SWPP in place, and we have our NYS Access Permit which is off Route 52/Chestnut Street. We were ready to put a shovel in the ground. But with the market and the collapse of our funding, it just killed us.

We’re back before you now in the hopes that we can go through the process again. We have secured new financing and we’re able to start construction right away. It’s 5 apartment buildings, 85 units, it’s not low income and we’re not looking for any state tax credits. When we came through the board originally, the rents were to be market rates. That hasn’t changed.

And there’s extensive handicap accessibility. The topography of the land lends itself to several handicap/senior citizen apartments.

Chairman Green: Our zoning did change in 2008 but not to the point, I believe, where it would affect your project. However, the floodplain did change and that’s something that you’ll have to look at.

Randy Wasson: I’ll give that a second look. I wasn’t aware of that.

[Inaudible conversations regarding the flood plain and past flooding problems.]

Chairman Green: So before we can consider any approvals for the apartments, the six lots need to be merged into one, and then the one lot needs to come before us as a two-lot subdivision.

Randy: He can go to the assessor and ask to have the lots merged into one, and then we’ll apply for the subdivision.

Pam: Our next meeting is February 13th. If you can get the application and subdivision maps to me by the 3rd, I can put you on the agenda for review.

Randy: I think we can make that.

[Discussion continues about apartments over the commercial units in the original proposal but not in the present proposal, potential business tenants, shared access between lots.]

Pam: I’ll send this up to the engineers tomorrow.

Attorney Silver: Just let them know that this project has already been reviewed by the board’s previous engineers, McGoey, Hauser & Edsall.

Frank: And they really put me through the wringer. They were very thorough.

**# 10-13 YESHIVA AHAVAS ISRAEL**

**66-69 OLD MONTICELLO ROAD**

**SPECIAL USE AND SITE PLAN REVIEW**

Randy Wasson, Len Brown and Isaac Goldman are here tonight for this continued review.

Randy: The last time we were here we presented to you a preliminary plan for a 5-10 year master build-out plan to the extent that we can plan on. We did try to take into consideration some of your thoughts and concerns. Basically in this area here they plan on have 3 duplex units over time for staff and/or families. They would have no kitchens so they’re considered dormitories in the eyes of the building code. All meals will be taken in the central kitchen/dining room, although over time, the camp wants construct a couple of new dining facilities. It’s a boy’s camp and they want to separate the boys into three age groups.

One of your biggest concerns at the last meeting was being able to provide access to the fire department/emergency vehicles at the back of the property which we have done. The topography works just fine. You can get through the camp without any difficulty. It’ll be a gravel-based road, not paved, twenty feet in width. You requested that we move the parking to the rear, generally in this area here, which is on a slope. The purpose as I understood it was for screening…

Chairman Green: It really wasn’t a request. I believe it’s in the zoning. We’ll check it again.

Randy: The reason we put it here is (a) it works the best, and (b) this is fairly heavily wooded here and it’s better. One other thing is this piece of property here (the former Ob-Gyn office building) they recently purchased it and the short-term plans are to renovate it into a multi-purpose building that will be used as part classrooms and part sleeping rooms. They also want to construct a road here connecting the two adjacent parcels.

Someone asks about which buildings are wanted for this year…

Randy: The buildings on the site plan highlighted in yellow are what they’ll be seeking approvals on for this coming summer. You have two bunk buildings here and four staff buildings here and this conversion. The second phase is the two orange buildings here and building # 42 in the key will be split in two and slide it down here. Down the road in the future are the blue buildings which include the dining room, another shul, more staff housing and classrooms. So it’s changing still, we’re zeroing in on what they want to do.

Pam: You’ve been talking with Albert Picard from the Town of Liberty Water Department regarding the anticipated water usage. He was told that you feel the camp will be using approximately 20,000 gallons of water per day for the time the camp is open. In light of the fact that 280,000 gallons of water has been previously committed to other project in the district, he’s asked that this planning board not grant any approvals for expansion until such time as we receive, in writing, Town approval first.

Chairman Green: The sewer line here runs on top of the ground. It should be buried..

Isaac: We have plans of doing that.

Chairman Green: When? What phase, this year?

Isaac: Yes, we will be doing that. All of the pipes will be underground this season.

Chairman Green: What about the buses? You park the buses over here by the pool but it’s not indicated as such. You should add that.

Randy: OK. We’ll have that and additional details for next month.

**ON A MOTION BY CRAIG CASE, SECONDED BY HARRY RAMPE AND UNANIMOUSLY CARRIED, THE MEETING IS ADJOURNED AT 8:20 P.M.**

Respectfully submitted,

Pam Winters, Clerk Approved: Feb. 2014