

Village of Liberty Regular Planning Board Meeting August 11, 2011

Present:

Don Nichols, Chairman
Steve Green
John Webber
Dan Ratner
Carlton Fritz

Absent:

Also Present:

Langdon Chapman, Village Attorney
Pam Winters, Code Enforcement Officer
Mr. & Mrs. Morace
Isaac Goldman
Etta Barbanti
Peter Belgard
Helen Babicz
John F. (illegible signature), Helen's Maintenance Man

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Chairman Nichols calls the meeting to order at 7:00 p.m. and leads everyone in the pledge of allegiance.

ON A MOTION BY CARLTON FRITZ, SECONDED BY DAN RATNER AND UNANIMOUSLY CARRIED, THE MINUTES OF THE JULY 14, 2011 MEETING ARE APPROVED AS SUBMITTED.

The application previously submitted by Rosa Gutierrez with the owner, Mr. Gottlieb, has been withdrawn. Therefore, the public hearing tonight is a moot point.

Regarding the Rent-A-Center application, Sara Lee called to inform the board that she would not be attending tonight's meeting. The mall owner's are no longer pursuing the idea of removing the extra inventory from the vacant store. In light of the County's 239 review, which indicates an unfavorable opinion, Rent-a-Center is asking that this matter be tabled for now. Therefore, the public hearing tonight is a moot point.

Chairman Nichols opens up the public hearing for Leslie Morace's special use permit at 7:05 p.m.

**PUBLIC HEARING
08-11 Leslie Morace
45 North Main Street**

Chairman Nichols reads the public notice into the minutes. Seventeen (17) certified letters were mailed out and seventeen (17) notices were received. No one from the public has any comment.

ON A MOTION BY CARLTON FRITZ, SECONDED BY STEVE GREEN AND UNANIMOUSLY CARRIED, THE PUBLIC HEARING IS CLOSED.

ON A MOTION BY CARLTON FRITZ, SECONDED BY JOHN WEBBER AND UNANIMOUSLY APPROVED, THE BOARD DECLARES ITSELF LEAD AGENCY IN THIS MATTER.

ON A MOTION BY STEVE GREEN, SECONDED BY CARLTON FRITZ AND UNANIMOUSLY CARRIED, THE BOARD DECLARES A NEGATIVE DECLARATION IN THIS MATTER.

ON A MOTION BY CARLTON FRITZ, SECONDED BY JOHN WEBBER, APPLICATION # 08-11 SUBMITTED BY LESLIE MORACE TO CREATE A LAUNDROMAT AT 45 NORTH MAIN STREET IS APPROVED.

New Business:

**# 12-11 Iberia Capital LLC
Special Use Permit Live-Work Units
9-13 South Main Street**

Peter Belgard is present in this matter and explains his application.

Peter: I just recently purchased this building, 9-13 South Main Street, and am fortunate to have received a grant from the CDC for renovations to the building. The entire façade will be redone. The third floor is completely open right now and I'm really unsure as to what to do with it. However, the second floor has a number of rooms. What I'm looking for is a way to try to attract artists or similar tenants.

If I'm going to try to attract someone from out of the area to rent a storefront, it'll be more difficult for him or her to be able to pay to rent a storefront and then also pay for either a house or an apartment. They'd be better situated financially to be able to do business and live in the same building. I understand that Pam has a minimum square footage requirement of 800 square feet and that won't be an issue; I haven't taken the time to lay out the actual apartment. I can do that later on. I'm just here tonight to get the approval to be able to have the live-work units. I'd want one for each storefront, both to be on the second floor.

Chairman Nichols: I'd just like some clarification regarding the definition of a live and work unit before we go much farther.

Attorney Chapman: Your zoning defines a live and work unit as an integrated living unit and working space with an internal connection between the living unit and working space, occupied and utilized by a single family and located in a building with ground floor commercial space.

Peter: I have no problem with the internal connection on one side of the building but it might pose a problem on the other side. I can feasibly open up a doorway here to accomplish this but it would really be silly given the layout of the building.

Etta: So what does it take to change this requirement because other people may want to do the same thing? I also own a building downtown and am very concerned about the downtown area. I really believe that if you own the building, you should be able to living upstairs in the building if

you want to, whether you have a business or not. Also, it really makes good sense that if you're renting a storefront that you are able to live upstairs.

Chairman Nichols: The way the law is now, if you own the building and want to live upstairs, you have to also have a business on the ground floor.

Etta: But that's not the way it should be.

Chairman Nichols: But that's the way it is.

Etta: But then we should look to change it for the future to help some of these building owners.

Chairman Nichols: The meeting to do that is on Monday nights, not here.

Pam: Building owners always have the option of applying for a variance if they feel the need. That way each location is decided on a case-by-case basis. Don and I both sat on the committee with Shepstone when the zoning changes were reviewed. This live and work unit was incorporated not so much as to help the building owners as it was to encourage new commercial tenants on the ground floor of Main Street. And even then the owners would have to prove a hardship.

Attorney Chapman: Use variances are extremely hard to prove. Area variances are granted all the time without issue but a use variance, when granted, area almost always overturned on appeal. That's not to say they're not initially granted by ZBA's but, when challenged, the majority are overturned on appeal.

Chairman Nichols: Be that as it may, based upon the wording of the definition, we would have to disapprove the unit on the one side and send you to the ZBA to apply for a variance.

Peter: I don't really agree with what you're saying but I understand your position. What I'd like for you to do is grant me approval to create both live work units and give me the time and opportunity to meet with my contractor to see how I can legally and structurally comply with the internal connection requirement. If there's simply no way to do so, I'll know that I have to go to the ZBA for a variance or present the matter to the Village Board for a change to the wording of the definition.

Inaudible person: Is that 9 or 11?

Peter: The way I understand it is that the building is 9-13 South Main Street. 9 is for the upper floors, 11 is the vacant storefront and 13 is the tenant space on the right where the barber shop just opened.

Chairman Nichols: Even if we approve this, the establishment of the apartments will be reviewed and approved by Pam.

Peter: I would like to get something approved tonight because again, I have contractors waiting to start.

There's some discussion regarding the CDC grant between Peter and Dan Ratner.

Pam: But you still need a public hearing.

Peter: For what?

Pam: Because your property fronts on a State road. It requires County review.

Several conversations are going on here regarding the County review, the variance process, the public hearing, changing the local law regarding the definition change, etc.

ON A MOTION BY DAN RATNER, SECONDED BY JOHN WEBBER AND UNANIMOUSLY CARRIED, THE BOARD MOVES TO SCHEDULE A PUBLIC HEARING FOR THIS APPLICATION ON THURSDAY, SEPTEMBER 8, 2011 AT 7:05 P.M.

**# 11-11 Ahavas Israel LLC
Special Use Permit Application
66 Old Monticello Road**

Kelly Engineering, P.E. has been retained for this project but Derrick Kelly is unavailable tonight. Isaac Goldman is present in this matter.

Isaac: My camp is on Old Monticello Road but I'd like to clarify where this project is located. It's not located on the new property we just purchased, the one that used to be Royal Estates subdivision. It's actually located on our existing property that used to be known as Millie Czuchman's Bungalow Colony.

I want to construct ten (10) duplex units behind the existing structures already on the property. We have two adjoining parcels. One is 8.6 acres. The other is 10.6 acres for a total of 19.2 acres. This used to be many smaller lots in the Town but was annexed into the Village years ago and then put together.

Steve Green points out that the merging of the lots together never should've been accepted by the County without first receiving Planning Board approval. The merging of lots together in other municipalities, such as Mamakating, as an example must go through the Planning Board first.

A discussion about this requirement continues between Chairman Nichols, Steve, Attorney Chapman and Isaac with Steve insisting that this be corrected before any new approvals are given. The Assessor's office often merges properties together via paperwork she files with the Real Property Tax Office and this is how this merger was done. Pam will follow up with Perry Meltzer regarding this issue.

NOTE: See copy of Kathy's e-mail inserted below regarding property boundary changes and annexations:

Pam, Here's what I have:

30-1-74.1 Yeshivas 10.60 acres was annexed (2008) into the village and became 128-2-4. I currently have this parcel on the roll, in Roll Section 8.

30-1-73 (1.00 acre) annexed became 128-2-2
30-1-74.4 (4.36 acres) annexed became 128-2-3
30-1-74.5 (1.75 acres) annexed became 128-2-5
30-1-74.2 (1.00 acre) annexed became 128-2-1

Then: 128-2-2; 128-2-3 and 128-2-5 was merged (2011) into 128-2-1 (8.60 acres)

Active is: 128-1-1	19.94 acres
128-2-1	8.60 acres
128-2-4	10.60 acres

I have these parcels around this area in the town as:

30-1- 11.1, 11.2, 15.1, 12.13.3.57.2, 58, 68, 70, 71 & 72

It definitely is sliced up between Town/Village. If you need a copy of the map, please let me know and if you need anything else,

Kathy

From: Liberty Village Code Officer [mailto:libertyvillagecodeofficer@verizon.net]

Sent: Thursday, August 18, 2011 3:01 PM

To: Kathy Sprague

Subject: Ahavas Israel

Kathy,

Have 128-2-1 and 128-2-4 been merged into 1 lot?

And is the remaining parcel on page 30 adjacent to these still in the town or was it annexed into the Village and merged into the other 2? I'm lost. Isaac is before our Planning Board to construct 10 duplex units. His engineer has buildings situated over property lines; he says this is all one parcel. My records don't reflect that.

Also, I thought that with owner's approval and mine, that you were allowed to file papers to merge lots together. The P/B is saying that to do so is a lot improvement and it has to go before the Planning Board. That the real property office won't accept any mergers without maps and P/B sign off. Help!!!

Pam

Isaac: As you can see from the site plan, we're proposing one way in and out with three separate parking areas sized to accommodate ten (10) cars each.

I'm here tonight to see if you like this layout or not. I've already spoken to Pam who already objects to this parking lot located on Old Monticello Road.

Pam: I don't like this because people will back right out into traffic on Old Monticello Road. It's not safe.

Isaac: I can change this.

Steve: According to the Village's Zoning Ordinance, Section 87-29A, Multi-family dwelling projects shall be considered major subdivisions and, as such, must comply with all road frontage requirements, square footage per dwelling unit requirement, etc. The way this site plan has been submitted, it doesn't even come close to being in compliance.

Chairman Nichols: Even for purposes of fire and emergency safety, you need to have a road go up through the units. We can't have trucks parking down here when they need to be up here.

Isaac: I can propose to the owner to design perhaps a circle and have the units go around the circle. I also suggested to him that I remove these two (2) existing units to make a cleaner

approach. I can also eliminate the parking area on Old Monticello Road and make the other two (2) parking areas a little longer. I'll have to talk to Derrick about that.

Steve: You really need to submit a survey so we can see just what's there and then worry about anything new going in.

Chairman Nichols: What can you tell us about the rest of the project? Is it going to be a gated community?

Isaac: No. No gates. Anyone can drive in anytime. The houses will be modular units on piers. The water comes from the Town. I've already talked to Albert about it. The sewer is from the Village. There's an existing pump station on site that will have to be increased in size. I haven't gone any further with things like lighting or dumpster location yet.

Chairman Nichols: Well before you go any further, you'll have to get back together with Kelly Engineering to re-design this a little better.

Isaac: I'll talk to Derrick and will get back to you.

NOTE FOR FILE: Section 87-35 references Seasonal Recreation Camps/Schools. This section has different square footage requirements and setback requirements from the original zoning and also restricts cabin/cottage construction to one-family units only.

OTHER BUSINESS:

None. No new news on Ideal Snacks or the Red Meat Processing Plant.

ON A MOTION JOHN WEBBER, SECONDED BY STEVE GREEN AND UNANIMOUSLY CARRIED, THE BOARD ADJOURNS TONIGHT MEETING AT 8:08 P.M.

Respectfully submitted,

Pam Winters, Clerk

Date Approved: Sept. 8, 2011