**Village Of Liberty**

 **Planning Board Meeting**

 **Thursday, March 11, 2021**, **7:00 P.M. Board Meeting**

 **Present: Also Present: Absent:**

 **Steven Green, Chairman Gary Silver, Attorney Ernest Feasel**

 **Troy Johnstone Daniel Pollan, Code Enforcement Officer**

 **Maureen Stabak Jasmine Bullaro, Clerk**

 **Maureen Crescitelli Joan Stoddard, Board Liaison John Furst, Yeshiva Ahavas Israel**

 **Israel Nieman PN General Contracting INC**

 **Abraham Spria PN General Contracting INC**

**Alan Roscoe, McDonald’s**

Chairman Green opens the meeting at 7:00 P.M. and leads everyone in the Pledge of Allegiance.

**ON A MOTION BY MAUREEN CRESITELI, SECONDED BY TROY JOHNSTONE, AND UNANIMOUSLY CARRIED, THE BOARD APPROVES THE DECEMBER MINUTES.**

**ON A MOTION BY MAUREEN STABAK, SECONDED BY MAUREEN CRESITELI AND UNANIMOUSLY CARRIED, THE BOARD APPROVES THE JANUARY MINUTES.**

**McDonalds- Tax Map # 121-2-5**

No response back from the engineer, $2500 came in for escrow.

Alan Roscoe is here to present plans and hopefully receive permission to go to the Zoning Board, we know from experience this is our third time here with a different proposal for McDonald’s, with our redesign we are short parking. How do we get to the point where we can go to the Zoning Board?

Gary Silver comments, one question I know that was raised by the Chairman from the last meeting, was that he is concerned about the width of the parking lot for backing up. Do you believe it is an issue?

Alan Roscoe replies it certainly is an issue. It was very personal to the Chairman due to it happening to his daughter, we tried to design it in such a way that the angle and driveway widths, and parking spaces are all to code.

Alan Roscoe sent plans to The Village of Liberty so Jasmine can send them to the engineer.

Gary Silver mentions to Alan Roscoe that he’ll need to make an application and get it in, then Jasmine will contact the members and try to figure out a date and time to get the quorum core. Get the application in for variance and then we will get a meeting going.

Gary Silver also comments to get the application in, and re-confirm plans went to Delaware, if so please let the engineer know they are going for a variance but if they could give us their time.

Dan forwarded the 239M form to Alan Roscoe, which needs to be sent to members of the Planning Board, it is a local determination. Once Alan gets the application in we will schedule a meeting, and when the application gets approved we will send it to the county and schedule a Public Hearing at the same time.

Work through site plan issues and address circulation issues, no dumpster issues, need to make sure the Fire Department can get around. Show or send plans to Dick and if we could have him get us a letter for the file.

**Camp Ahavas Israel- Tax Map # 128-2-1**

John Furst, representing Yeshiva Ahavas Israel we were here back in January, at that time we were proposing a brand new schul, they have since put the application on hold, they realized more work is still necessary. Shifted gears to make minor adjustments to a previously approved plan back in 2014 there was a Special Use Permit and an Overall Site Plan that was approved for this project, there are minutes from March of 2014 that reflects the approval, didn’t have a copy but the Building Department has records in the file. So with that being a part of the approval, we will specifically be focusing on the eight bunkhouses that are right off of Old Monticello Road, of those eight bunkhouses two of them have been constructed and approved by the Building Department many years ago, the other six were never built. Essentially we are here looking to number one the configuration of those bunkhouses that were previously approved were modified while they were built and approved by prior building inspector Pam Winters and signed off on Certificate of Occupancy. The way there were built is not completely aligned with the way it was approved by the Planning Board it’s just a shift of the buildings, they were positioned on an angle if you see in the plans it shows you where they were approved and where they are now proposed and existing so it’s just a slight shift in the bunkhouses. Number two we are looking to convert one of those six bunkhouses that haven’t been built into a classroom, number three the actual amount of bunks/ bedrooms have also changed if you see the Wesson Plans from 2014 it shows thirty-six bunks and two bedrooms for each of the eight bunkhouses, the two bunkhouses they built only has twenty-three bunks and four bedrooms so it is slightly different than was approved so we are here to get approval for that slight modification, at the end of the day it would result in fewer campers actually due to the conversion of the one bunkhouses turning into a classroom and in the bunkhouses that we are proposing now will have fewer bunks that what was approved seven years ago.

Daniel Pollan comments, what is each occupancy of the bunkhouses?

John Furst replies, twenty-three bunks and four bedrooms.

John Furst continues, the last thing we would like from the prior approval is to relocate the dining hall. There was a dining hall further north of Old Monticello Road, they’d like to relocate that in the same space where the bunkhouses are which makes more sense to have the dining hall next to the bunkhouses, they will not be adding any structures, just relocating a previously approved structure, converting another structure and repositioning some other previously approved structures.

Gary Silver confirms, two bunkhouses, that were previously approved were constructed but not precisely built where they were confirmed as-built, secondly you want to convert one un-built bunkhouse into a classroom with a new location which is shown on plans, the amount of the bunkhouses changed instead of building a bunkhouse with thirty-six bunks with two bedrooms to each bunkhouse two of them were built with twenty-three bunks and four bedrooms you want to confirm as-built and finally relocate the dining room. One thing 87-64 of the Site Plan Rule provides, the site plan is effective for a maximum of one year unless you grant an extension if not it will expire. The question is by building something did they preserve the site plan or by building something did they only preserve what they built and then the only difference would mean they are present a new site plan but amending the site plan, in this case, this is the same as presenting a new site plan, meaning the same issues you would have to address by an amendment like the dining room you would have to look at the stormwater flow those are the same things you would do for a new site plan opposed to the site plan.

John Furst comments, for these new proposed changes we need some type of Planning Board review, I think it is an amendment because the user has been operating and existing for over many years it has not stopped, so we are here before The Board for your approval of these minor modifications.

Steven Green asks, when did Pam approve those minutes?

Gary Silver’s replies must have been around 2014, that was when the site plan was approved. Certificate of Occupancy was issued in 2014.

Steven Green would like to address other issues, regarding the no water.

Gary Silver asks if they have communicated with the Town.

John Furst replies, yes we have communicated with the Town but unfortunately, I do not think the Town understands that what we are proposing to do now will have less of an impact concerning water reason being, there will be one less bunkhouse and fewer bunks.

Gary Silver tells him the problem you are going to face is regardless of when they built where the water is now they are having a problem and they are addressing it based upon their presence.

John Furst states they are an existing facility, we are in a water district and we have an entitlement to some water, they should have allocated water.

Steven Green says you are not in the Liberty’s Water District you are in the Town’s, their meeting is within the month and they will have a decision as to what they can and cannot handle.

Gary Silver makes a statement, we can go through the whole process we can approve everything you want to do but, you cannot have water if you can’t get a Certificate of Occupancy.

John Furst says they want to move fast forward on minor amendments because they would like to implement them before the summer.

Gary Silver comments, as far as confirming the present location on bunkhouses, approving the thirty-six now twenty-three bunkhouses can be approved regardless of the water, they are just as-built corrections to the site plan.

John Furst adds, technically replacing the bunkhouse with the classroom, the classroom will be for the kids already there, so it is not adding any usage. Those are the summarized modifications we would like to make before the summer season. We are hoping for some type of expedited review, I know your Board according to your code can waive certain requirements. I drafted a letter outlining specific requirements that we would like to waive and also at least ask to waive the Public Hearing. I know that speaking to your Attorney has not been done. The language in the code says any requirement under Article 2 which is the Site Plan Special Use Requirements.

Gary Silver Comments, he is correct, in this situation, the Site Plan Review is a state billed law that only requires a Public Hearing if your Local Law and Village requires it, number two it does give you authority to waive requirements.

John Furst adds Section 87-59 nearby watercourses or structures concerning the area of the camp. In this case, there are no nearby watercourses and, we are not changing anything, reconfiguration and conversion of one of the buildings we are adding a building but again there are no watercourses. The landscaping will be staying the same, was previously approved plan not looking to change involved with the proposal, the parking lot will be staying the same, fewer bunks and bunkhouses would require less parking. Another requirement is to show open space recreation areas large camps only focusing on eight bunkhouses.

Gary Silvers asks if anyone sees anything that should or should not be there

Steven Green replies yes.

Gary Silver adds I think it is coming down to a Public Hearing. Waiver Authority Requirement This Waiver Authority exercises the event any such requirements that are not found to be requisite in the interest of the Public Health, Safety or General Welfare or inappropriate a particular site plan any such waiver shall be subjected to the following conditions. Section C Waiver shall be limited to those situations to the full applications of requirements contained in that generate unnecessary data or create an unnecessary cost, regarding the side of the matter and to the scope of the nature of the project involved.

Gary Replies, it is within one building and it is the interior building. He is asking if you will be willing to waive a Public Hearing. Moving location of the dining room to the row of bunkhouses. Already had Public Hearing for original site plans and nothing is changing so it is not incredibly significant. Changing one bunkhouse into the classroom and relocating the dining room.

John Furst adds if it makes it easier they can scratch that from the modifications and leave the dining room where it is.

Israel Nieman adds the reason why we put this on the application to relocate is only that it was relocated on the as-built. It was approved as an as-built the dining hall was relocated and put in as a ninth bunkhouse not even as a dining hall it was converted from a dining hall to bunkhouse son on the as-built instead of being eight there are nine.

Gary Silver confirms converting to as-built issues and converting one un-built bunkhouse into a classroom.

**ON A MOTION BY MAUREEN CRESITELI, SECONDED BY MAUREEN STABAK AND UNANIMOUSLY CARRIED, THE BOARD WAIVES A PUBLIC HEARING FOR YESHIVA AHAVAS ISRAEL.**

**UPCOMING MEETINGS:**

**The next Regular Planning Board Meeting will be April 8th, 2021, at 7:00 P.M.**

**ON A MOTION BY GARY SILVER, SECONDED BY MAUREEN CRESITELI AND UNANIMOUSLY CARRIED, THE MEETING IS ADJOURNED AT 8:00 P.M.**

Respectfully Submitted,

Jasmine Bullaro,

Village of Liberty Planning Board Clerk