

Regular Planning Board Meeting Thursday, March 10, 2011

Present:

Steve Green, Acting Chairman
John Webber
Dan Ratner
Carlton Fritz

Absent:

Don Nichols, Chairman

Also Present:

Langdon C. Chapman, Village Attorney
Pam Winters, Code Enforcement Officer
Michael Grossman
Denise Martin Birmingham
Steve Kalka
Tario Gusar
Charles Quadlin
Moises Santiago
Rev. Gary Wilcox
Diana Wilcox

.....
Acting Chairman Steve Green calls the meeting to order at 7:00 p.m., leads everyone in the pledge of allegiance and opens the public hearings, first for Liberty Assembly of God.

**PUBLIC HEARING 7:00 P.M.
LIBERTY ASSEMBLY OF GOD**

Pastor Wilcox explains to the public that his congregation wants to construct an addition onto the back of their existing church, which has existing as such at 46 Lincoln Place for nearly thirty (30) years.

There are no questions from the public. For the record, twenty-three (23) certified notices were mailed out, fifteen (15) were received and four (4) were unclaimed. All monies due for this application have been paid in full.

**PUBLIC HEARING 7:05 P.M.
GROSSMAN TIRE LLC.**

Michael Grossman and Denise Birmingham explain the relocation of Mike's business from Mill Street to Oak Street. New maps are submitted. There are no questions from the public. For the record, ten (10) certified notices were mailed out and all ten (10) were received.

**PUBLIC HEARING 7:10 P.M.
AERO STAR PETROLEUM LLC**

Tario Gusar and Steve Kalka, agent for Mr. Gusar, explain that they'd like to construct an L-shaped addition onto the back of their existing convenience store. The additional room will accommodate a large refrigerated cooler, a small office and some much needed storage space. Customers will use none of the newly constructed area.

Mr. Santiago, a neighbor, looked at the maps but had no questions.

Mr. Ratner expressed concerns over existing and future drainage of storm water run-off. The applicants explained that all run-off will be directed towards an existing catch basin located to the right of the building, and no new run-off will be directed either into North Main Street or onto any adjoining properties. Engineered plans depicting this will be submitted to the Building Department when application is made for a building permit.

Twenty (20) certified notices were mailed out and all twenty (20) were received.

ON A MOTION BY CARLTON FRITZ, SECONDED BY JOHN WEBBER AND UNANIMOUSLY APPROVED, ALL PUBLIC HEARINGS WERE CLOSED AT 7:15 P.M.

ON A MOTION BY DAN RATNER, SECONDED BY CARLTON FRITZ AND UNANIMOUSLY APPROVED, THE MINUTES OF THE JANUARY 6, 2011 AND FEBRUARY 15, 2011 MEETINGS ARE APPROVED AS SUBMITTED.

**LIBERTY ASSEMBLY OF GOD
46 LINCOLN PLACE
SPECIAL USE PERMIT # 05-10**

Since Acting Chairman Steve Green is the party who surveyed this property, he recuses himself from this matter. Dan Ratner chairs this portion of tonight's meeting.

Acting Chairman Dan Ratner reads and completes the SEQR report.

ON A MOTION BY JOHN WEBBER, SECONDED BY CARLTON FRITZ AND UNANIMOUSLY CARRIED, THE BOARD VOTES TO DECLARE A NEGATIVE DECLARATION IN THIS MATTER.

ON A MOTION BY CARLTON FRITZ, SECONDED BY JOHN WEBBER AND UNANIMOUSLY CARRIED, THE BOARD VOTES TO APPROVE THE SPECIAL USE PERMIT APPLICATION FOR LIBERTY ASSEMBLY OF GOD.

**GROSSMAN TIRE
92 OAK STREET
SITE PLAN APPROVAL # 01-11**

Denise Martin Birmingham explains the new maps she submitted were amended just to clarify that the ground/parking area in front of the garage is primarily gravel and not asphalt as previously depicted. Snow and ice had prevented her from giving an accurate description of the property. The building was constructed in the 1960's and has no known violations in it or on the property. Mike intends to use only one garage bay. The building is shared with Preston Pollack's' business.

John Webber notices that the primary building on this lot is partially located in the Village and partially in the Town; the municipal line actually runs right through the building. He also mentions that there are other encroachments (involving sheds and fencing) onto the adjacent property. The encroachments are a matter for the property owners to resolve and not of concern to the applicant or this board. It is not Mike's intention to use the panhandle for access. It was used years ago by delivery trucks but no longer. There will be no outdoor storage of tires at this location.

The actual portion of the building intended for use is located on the Town parcel, while access to his work area and parking are on the Village portion of the building. This raises the question of who actually has jurisdiction over this matter, or if the application must seek approval from both municipalities. [Note: The Village of Liberty provides water, sewer, garbage pick up, street maintenance and lighting to this parcel. The Town provides no services to this parcel whatsoever].

Attorney Chapman advises everyone that case law basically says, "If a parcel of land lies in two municipalities each may apply its own zoning laws to the portion that lies within their boundaries".

Attorney Chapman (to Mike Grossman): It's my determination that they don't need any other approval but, in the best interests of both our board and the applicant, I'll contact the Town Attorney, Walter Garigliano, explain the situation to him and see if he feels the Town should also participate in this approval or if they're satisfied that our review is sufficient enough. My gut feeling is that this board has the right to grant your approval tonight but until I research this further and speak to the Town, any approvals you get tonight will be contingent upon my findings. Will you agree to that?

Mike agrees.

Acting Chairman Green advises everyone that the 239-m review by the Sullivan County Division of Planning has been received back and upon review of the papers sent to them, they have determined that "the proposed action will have no adverse inter-community impact and, therefore, they find this a matter for local determination".

ON A MOTION BY DAN RATNER, SECONDED BY CARLTON FRITZ AND UNANIMOUSLY CARRIED THE BOARD DECLARES ITSELF LEAD AGENCY IN THIS MATTER.

Acting Chairman Green reads and completes the SEQR report.

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

ON A MOTION BY JOHN WEBBER, SECONDED BY CARTON FRITZ AND UNANIMOUSLY CARRIED, THE BOARD APPROVES THE SITE PLAN APPLICATION OF GROSSMAN TIRE LLC CONTINGENT UPON ATTORNEY CHAPMAN'S CONFIRMATION WITH THE TOWN OF LIBERTY THAT THEY WILL NOT PURSUE SEPARATE SITE PLAN REVIEW ACTION.

**AERO STAR PETROLEUM, L.L.C.
210 NORTH MAIN STREET
SITE PLAN APPROVAL**

Having covered everyone's concerns regarding drainage on the property during the public hearing portion of this application, there's no further comment from the Board at this time.

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

Action Chairman Green reads the SEQR report.

ON A MOTION BY DAN RATNER, SECONDED BY JOHN WEBBER AND UNANIMOUSLY CARRIED, THE BOARD DECLARES A NEGATIVE DECLARATION IN THIS MATTER.

ON A MOTION BY JOHN WEBBER, SECONDED BY CARLTON FRITZ AND UNANIMOUSLY CARRIED, THE BOARD APPROVES THE SITE PLAN APPLICATION OF AERO STAR PETROLEUM L.L.C. TO CONSTRUCT AN L-SHAPED ADDITION ONTO ITS EXISTING CONVENIENCE STORE CONTINGENT UPON THE SUBMISSION OF STORM WATER DRAINAGE PLANS. SAID PLANS ARE TO BE SUBMITTED AT THE TIME APPLICATION IS MADE FOR A BUILDING PERMIT AND SAID PLAN WILL BE FORWARDED TO THE VILLAGE'S ENGINEERS FOR REVIEW, COMMENT AND APPROVAL.

OTHER BUSINESS:

INFORMATION ONLY:

**DANA BARNES
CONCORD EQUITY GROUP
SITE PLAN REVIEW FOR SULLIVAN AVENUE SITE**

Pam submits a preliminary site plan to the Board for review. Kelly Engineering has drawn a site plan for a combined, fast food eatery, 60' X 70' in size on a vacant lot adjacent to Burger King. The Village will provide sewer, the Town will provide water, and NYSDOT road opening permits are required. After some discussion, the Board recommends the following changes to the plan:

- Change from one driveway to two
- Locate placement of any proposed ground signs
- Locate placement of dumpster and recycling area and screening
- Provide for sufficient parking as defined in our zoning regulations

Pam will forward these comments along to Mr. Barnes and to Kelly Engineering.

ON A MOTION BY CARTON FRITZ, SECONDED BY DAN RATNER AND UNANIMOUSLY CARRIED, THE MEETING IS ADJOURNED AT 8:15 P.M.

Respectfully submitted,

Pam Winters, Clerk

Approved: April 14, 2011