

# Village of Liberty Planning Board Special Meeting June 26, 2011

**Present:**

Don Nichols, Chairman  
Steve Green  
Dan Ratner  
Carlton Fritz  
Pam Winters, Code Enforcement Officer

**Absent:**

Langdon C. Chapman, Village Attorney  
John Webber

**Also Present:**

Derek Kelly, P. E., Kelly Engineering, for Concord Equity Group, LLC  
Dana Barnes, Concord Equity Group LLC  
Joan Stoddard, Village Trustee

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Chairman Nichols calls the meeting to order at 7:00 p.m. and leads everyone in the pledge of allegiance. There's some discussion regarding comments made by Mr. Barnes relative to Peter Parks being a representative of the Village and/or the Village Planning Board. While not reflected in the submitted minutes verbatim, Mr. Ratner feels it pertinent to include said clarification in the minutes, and the requested change is duly noted. The minutes will be amended accordingly.

**ON A MOTION BY CARLTON FRITZ, SECONDED BY STEVE GREEN AND UNANIMOUSLY CARRIED, THE MINUTES OF THE MAY 26, 2011 MEETING ARE AMENDED AND APPROVED.**

### **Concord Equity Group LLC Site Plan Approval Application**

Both Dana Barnes and Derek Kelly are present in this matter. Glenn Smith has submitted a letter of comments based upon his review of the submitted site plan. Upon receipt of his letter, a copy was immediately faxed to Kelly Engineering for review and subsequently distributed to all board members as well. Derek has submitted a revised site plan to the Board tonight addressing each of Glenn Smith's points. The responses are as follows:

1. Indicates that this project appears to be an unlisted action. Glenn suggests the acreage shown on the EAF is 2.3 acres of land and more accurately should be .82 acres. After discussing the idea of Phase 1 & 2 with Glenn, Derek opts to leave the acreage at 2.3. The board takes no exception to this.
2. A location map has been added to the site plan as requested.
3. Parking Lot Requirements – Glenn notes that based upon the intended use of the parcel, Village code requires one (1) parking space per 50 s.f. of building floor area, therefore 70 parking spaces are required. The site plan originally showed 48 spaces and now shows only 42 parking spaces. Should the Planning Board agree to grant a waiver of the number

of required parking spaces, such waiver should be reflected either in the minutes or on the site plan. Duly noted.

4. Parking Spaces – All parking spaces have been reconfigured to 9' x 19' as requested.
5. Parking aisle width – Aisle width has been changed to twenty-two (22) feet as requested.
6. Diagonal parking aisles – Aisle width has been changed from 9' to 18' as suggested and, as such, will provide for a better turning radius for cars. The direction of the parking spaces will be also be changed. Front and rear parking will be changed to diagonal parking.
7. Bus parking – The last bus parking space has been shifted closer to the dumpster as suggested.
8. Grade of the parking is almost 13%, quite steep for a commercial lot. This grade, per Kelly Engineering, cannot be changed. To do so will greatly affect Concord Equity's ability to fully utilize the back section of property, noted as Phase II, without severe financial consequences to the developer. It is for this reason that the retaining wall is proposed at the back of the site. The wall will be 20' in the ground with 10' showing above the ground. The type of wall still has not yet been decided. Dana will still not commit to any specific tenant yet. There will be only one (1) drive-thru window. The second window will be eliminated and replaced with an order-board.
9. Drainage and Highway Work Permit may be needed depending upon whose responsibility the road maintenance is. Derek has made several calls to the County and hasn't head back from anyone yet. [Note for file: Joan Stoddard contacted the County and it's been determined that the Village is responsible for cleaning and maintaining this specific road area. Peter Parks has been advised of this determination].
10. Drive-thru lanes and access. This point was already resolved in comment # 8.
11. Retaining walls – This comment was also covered in the discussion regarding item # 8.
12. Sewer – Glenn's comments regarding the size of the lines and the manholes were correct and Derek admits to his oversight. The appropriate changes have been made and the idea of moving the location of the building up 3-4 feet closer to the road is discussed. This would free up a little more room in the back for parking. Dana will consider this and he'll also meet with Albert Picard regarding the water line. The water line will need to be 1" as is or increased to a 4" line if the building is to be sprinkled.
13. Locating water & sewer lines on map – Derek can have the water department flag the lines but he's not a surveyor and cannot accurately reflect this on the site plan. If the Planning Board requests this, though, he will have Dana speak with the surveyor.
14. Drainage – These comments go back to the discussion previously noted in item # 9. Derek will speak with Peter Parks about cleaning out the ditch by McDonald's.
15. Sight distance – Should be noted on site plan and has been. The distance to Dr. Roth's building is 950'. The distance to the red light is 1,050'.

16. Handicap signage – Has been added to the site plan as requested.
17. Lighting – Has been added to the site plan. There are four (4) lights on the building and six (6) lights in the back parking lot, which will be hooded.
18. Landscaping – A landscaping schedule has been added to the site plan showing type, shapes and sizes of shrubbery. No shrubbery in the front of the building will exceed 36” but will be tall enough to hide the 4’ retaining wall in the front. No plantings will be placed adjacent to Burger King, as it’s not practical to do so. And there’s no vegetation between Wendy’s and Burger King.
19. Stone-lined Ditch – This has already been addressed previously.
20. Retaining wall – The placement of a guardrail was already on the submitted plans but wasn’t seen by Glenn. We brought this to his attention.

Derek will re-submit a final site plan based upon tonight’s discussion and recommendations. To re-cap tonight’s comments and changes, they include:

1. Contact the County DPW to determine who maintains the road in this location.
2. Change the parking spaces on the property in the back and front to diagonal striping.
3. Slide the building up closer to Sullivan Avenue as much as possible to give extra room to the parking area.
4. Eliminate the second window on the drive-thru and make it an order-board instead.
5. Show swale detail and stone in the drainage ditch like we discussed
6. Continue to work on the retaining wall plans

**ON A MOTION BY CARLTON, SECONDED BY DAN RATNER AND UNANIMOUSLY CARRIED, THE SITE PLAN APPLICATION SUBMITTED BY THE CONCORD EQUITY GROUP, LLC. IS APPROVED CONTINGENT UPON THE FOLLOWING CONDITIONS AND/OR STIPULATIONS:**

- 1. AN AMENDED SITE PLAN WITH REQUIRED CHANGES (REFERENCED ABOVE) WILL BE SUBMITTED TO THE PLANNING BOARD FOR SIGNATURE WITHIN THIRTY (30) DAYS.**
- 2. THE PLANNING BOARD AGREES TO APPROVE A WAIVER OF THE REQUIRED NUMBER OF PARKING SPACES NEEDED FROM ONE (1) PARKING SPACE FOR EVERY 50 S.F. OF BUILDING SPACE TO ONE PARKING SPACE FOR EVERY 85 S.F. OF BUILDING SPACE. IN DOING SO, 42 PARKING SPACES SHOWN ON THE SITE PLAN ARE ACCEPTABLE.**
- 3. THE PLANNING BOARD AGREES TO A WAIVER OF THE PLACEMENT OF LANDSCAPING ADJACENT TO BURGER KING.**
- 4. THE PLANNING BOARD DIRECTS THE CODE ENFORCEMENT OFFICER NOT TO ISSUE ANY BUILDING PERMIT FOR SAID PARCEL UNTIL SUCH TIME AS A STAMPED SET OF ENGINEERED PLANS FOR THE RETAINING WALL IS SUBMITTED FOR REVIEW AND APPROVED BY THE VILLAGE ENGINEER AND THE PLANNING BOARD.**

**OTHER BUSINESS:**

Chairman Nichols: Is there anything new about Ideal Snacks expansion?

Pam : No, nothing.

Chairman Nichols: Anything new regarding Schoolbell Townhouses?

Pam: No.

Chairman Nichols: The red meat processing plant?

Pam: No.

Dan Ratner: What I know is that the paperwork is done, the fly-over was done, the two-foot contours are done and one or two contractors have been contacted with regard to doing the drainage part of the plans.

Chairman Nichols: I would like to see just what the hell they're doing. I don't know why you guys (directed at Joan meaning the Village Board) gave them access to that tank without them looking into the two existing tanks on their own property. They could dig them out and use them.

Joan: I don't know why they felt this was a better option.

Chairman Nichols: I do. It's easier. They don't have to do half the work

Joan: I think they're running out of money.

Chairman Nichols: Whatever. What's the deal on the filtering system? If that system goes out, what does the Village do then?

Dan: We're bonding a new system now.

Joan: We are.

Chairman Nichols: You're going to be putting in a new UV system as a backup?

Joan: No, it's a completely new system.

Chairman Nichols: And the DEC 's going to accept that?

Joan: Yes.

Chairman Nichols: They've wanted a backup system for thirty (30) years and now we don't have to have one?

Joan: According to everything that we've seen, that tank was not part of our SPDES permit anyway. Who knows if it even works or not?

Chairman Nichols: I can tell you who...the guy who was there for thirty (30) years, that's who (Russ Ahrens)

Joan: But nobody's touched it in thirty (30) years. It would take us so long to get that on line and working, if everything we had right now failed, we could get that repaired quicker than we could get that tank on line.

Dan: I don't think they're going to use that tank anyway.

Chairman Nichols: According to what they're telling us, that's the whole purpose.

Dan: No, the purpose was, what I think, is that the original plan that they submitted to the DEC, which we've never seen, included that tank, and rather than start the whole process over again, included...

Joan: The original plan had the two retention ponds on it. Then the scope of the storm water changed....

Chairman Nichols: We increased it a little bit.

Joan: Then those two retention ponds were no longer sufficient which is when they came up with the idea of using this tank. I don't think they really plan on using it.

Dan: If our system fails and we have to close our plant, they (the DEC, the IDA, Hinchey, whomever) have to help us.

Joan: The other thing, at least for right now, the window that they could possibly use that dechlorination tank is from May to October. It's not going to be off line before this October anyway so if we fail in the summer, we're still OK. By that time, and we're gambling here, we should have in place plans for the new system. The plans are already done, not how we're going to pay for it, and we have six months to get it built, we'd need the timing to go right, we need the money to go right, but if we don't do this, we could end up losing all of the money that Hinchey secured for this project.

Chairman Nichols: I don't think there's any question about that and nobody wants to see that happen.

Joan: Because he (Hinchey) won't go out on a limb for anyone in Sullivan County again.

Chairman Nichols: My own thoughts are that if that ultra-violet system goes down, we're going to be putting raw sewage right directly into the brook and the DEC is going the fine the living hell out of the Village.

Joan: I don't think we'll be putting it directly into the brook. We'd have to be shut down somehow.

Chairman Nichols: How the hell do you shut down the village?

Joan: That's dechlorination anyway so it's got to be going somewhere else.

Chairman Nichols: There is no other place for it to go.

Carlton: You're only using one slip trench out of three so you have a lot of capacity to use.

Dan: So what she's saying is we'd have some time to deal with it.

Joan: Right. If you don't have to UV anything after October...

Carlton: Right, because the fish don't spawn after October so you can dump anything you want in the brook then.

Chairman Nichols: And that's just what would happen. I still don't like it.

**ON A MOTION BY CARLTON FRITZ, SECONDED BY STEVE GREEN AND UNANIMOUSLY CARRIED, THE MEETING IS ADJOURNED AT 8:00 P.M.**

Respectfully submitted,

Pam Winters, Clerk

Date approved: July , 2011