**Village of Liberty**

**Regular Planning Board Meeting**

**July 9, 2020 7:00 p.m.**

**Amended Minutes**

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

Steve Green, Chairman Richard Castagno & family

Troy Johnstone Abdelaziz Benadem

Maureen Stabak Cynthia Falls, GK & A Architects

Maureen Crescitelli Paul Bunker, ABDD Capital

Ernie Feasel

Joan Stoddard, Board Liaison

Gary Silver, Village Attorney

Pam Winters, Code Enforcement Officer

Chairman Green opens the meeting at 7:01 p.m. and leads everyone in the pledge of allegiance. Approval of February 2020 meeting is tabled until next month in order to give board members ample time to re-review the minutes.

Chairman Green opens the public hearing up and, since he owns property nearby this location, he recuses himself from this application. Maureen Crescitelli, acting Chair, will oversee this application.

**ON A MOTION BY ERNIE, SECONDED BY TROY AND UNANIMOUSLY CARRIED, THE PUBLIC HEARING IS OPENED.**

Pam advises everyone that the public hearing was re-advertised and certified mailings were re-sent. Twenty-one (21) notices were mailed, six (6) were received and the remaining fifteen (15) are still unaccounted for. The legal notice appeared in the July 3, 2020 edition of the Sullivan County Democrat.

There are no comments or questions from the public on this application.

**ON A MOTION BY TROY, SECONDED BY ERNIE, THE PUBLIC HEARING IS CLOSED.**

Attorney Silver reads each question in Part 2 of the Short Form EAF into the minutes along with the board’s responses to each one.

**ON A MOTION BY MAUREEN S, SECONDED BY ERNIE AND UNANIMOUSLY CARRIED, THE BOARD DECLARES A NEGATIVE DECLARATION IN THIS MATTER. MAUREEN C., ACTING AS CHAIR, SIGNS PART 2 OF THE SHORT FORM EAF.**

**ON A MOTION BY MAUREEN S, SECONDED BY TROY AND UNANIMOUSLY CARRIED, THE BOARD APPROVES THE SPECIAL USE PERMITAND SITE PLAN APPLICATION SUBMITTED BY THE CASTAGNA FAMILY TO ESTABLISH A TAP ROOM AT 50 LAKE STREET, LIBERTY. WE ALL WILL HIM THE BEST OF LUCK IN HIS NEW ENDEAVOR.**

Chairman Green resumes his role as Chairman for the remainder of the meeting.

**NEW BUSINESS**

**# 01-2020 Abdelaziz Benadem**

**17 Oberferst Street**

**Special Use Permit to retain 3 existing sea boxes for storage on his property**

Abdelaziz Benadem is present in this matter.

Chairman Green explains to the board that this application is similar to several previously approved by the board last year. Aziz is principal owner in Black Seed Sunna Corp., an herbal, vitamin and health food distributor who relies heavily on being able to store product and containers in these boxes. These units were actually on site when he **purchased the property from Ross Electric years ago.**

**ON A MOTION BY MAUREEN C., SECONDED BY MAUREEN S. AND UNANIMOUSLY CARRIED, THE BOARD DECLARES ITSELF LEAD AGENCY IN THIS MATTER.**

The board really has no comment or objection to the units and schedules a public hearing to be held on Thursday, August 13, 2020 at 7:00 p.m. Pam will handle the legal notice and certified mailings and bill the applicant accordingly. Pam will also check with the County Planning office to be sure this application is exempt from 239-m review. [Note: It is exempt.]

**# 02-2020 DSEL Liberty, L.L.C.**

**1935 N.Y.S. Route 52E, Liberty**

**Special Use Permit and Site Plan Approval allowing Dunkin to add a two-lane drive-thru service to their existing store**

Cynthia Falls from GK & A. Architects is here to present the application along with Paul Bunker of ABDD Capital to assist.

**ON A MOTION BY TROY, SECONDED BY ERNIE AND UNANIMOUSLY CARRIED THE BOARD DECLARES ITSELF LEAD AGENCY IN THIS MATTER.**

Cynthia explains that her firm has presented more than 1,000 similar applications for Dunkin in various states

Chairman Green discloses that he did the survey for this location for the prior owner. Attorney points out as a matter of record that this doesn’t mean that Steve needs to recuse himself on this application. He has no vested interest in this location and performed the survey several years ago for a prior owner. .

Cynthia tells the board members that the location of this Dunkin is 1935 NYS Route 52E and is identified by SBL 131-1-1. The property is zoned C-Commercial.

With this application, Cynthia explains the following:

* Dunkin will be utilizing the entire building now, 1,600 square feet as opposed to 1,100 square feet before;
* There will be no change to the existing entry location/door.
* The circular pattern on the South side of the building will remain the same.
* Two drive-thru lanes are proposed along, one for typical drive-up orders. The second outer lane is earmarked for mobile pick-up orders, and there will be a 3rd pass-by lane on the outside of the drive-up lanes. The drive-thru lanes are ten (10) feet wide each and the pass-by land is 11 ½ feet wide;
* There are seventy-one (71) parking spaces earmarked for Dunkin;
* New ADA compliant parking will be designated along with new striping throughout the area. Note that Dunkin striping is typically pink and orange as opposed to white, and handicap parking will still be delineated in blue.
* The dumpster area is being moved from behind the building to the Northeastern corner of the site and will include the required concrete pad and enclosure;
* A new loading dock will be constructed with new stairs;
* New landscaping is proposed all around the building including the Northern side of the building facing Route 52E which has been a subject of controversy in the past, within a new proposed island, around the loading dock area and around the new dumpster enclosure.
* Digital menu boards are proposed;
* New canopies will be installed and all new lighting will be LED;
* The architecture for the building is typical to most new Dunkin’s. Cynthia brought a few pictures to show the board and will bring others for the public hearing;
* The design shows 28 seats inside with a conference room that seats 8. However, with the new Covid-19 concerns, the conference room idea is still being discussed and may be eliminated;
* There are 2 ADA compliant bathrooms which exist now, there’s a new freezer container; and convection ovens are used for the frozen items offered;
* There is still no on-site baking area. Donuts are baked elsewhere and trucked in to the location. Donuts are delivered in smaller box trucks each day early in the morning. They receive 2 weekly deliveries of other frozen items and paper goods.

They will try to stay open during construction as much as is feasibly possible but will probably need to close for a brief time during construction.

Attorney Silver recommends a direction sign to direct traffic to the drive-through lane through the parking aisle which the applicant desires to be used for that purpose, so that traffic does not turn to go to the drive-through lane through an earlier parking aisle. The Board agrees that some additional directional signs to help guide traffic would be appropriate.

With no further questions, the Board moves to schedule a public hearing for Thursday, August 13, 2020 at 7:05 pm. Pam will handle the legal notice and certified mailings and bill the applicant accordingly.

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

Respectfully submitted,

Pam Winters, Clerk

Village of Liberty Planning Board

Amended with Attorney Silver’s changes 7/14/2020 & 7/17/2020

: pw