

Regular Planning Board Meeting November 12, 2009

Present:

Don Nichols, Chairman
John Nichols
Steve Green
Adrian Gonzalez

Absent:

John Webber
Dawn Green, Liaison Village Board

Also Present:

Langdon C. Chapman, Village Attorney
Pam Winters, Code Enforcement Officer
Allan Scott, Chairman, Sullivan County I.D.A.
Lori Bertsch-Brustman, Atty.

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Chairman Nichols calls the meeting to order at 7:08 p.m. and leads everyone in the pledge of allegiance.

ON A MOTION BY JOHN NICHOLS, SECONDED BY STEVE GREEN AND UNANIMOUSLY CARRIED, THE MINUTES OF THE OCTOBER 8, 2009 MEETING ARE ACCEPTED AS SUBMITTED.

323 & 325 NORTH MAIN STREET, LLC. **SPECIAL USE PERMIT FOR LIVE-AND-WORK UNITS**

Lori Bertsch-Brustman, attorney for the applicant is present in this matter. At the last meeting, Chairman Nichols requested floor plans be submitted for the mixed occupancy spaces. Those floor plans were submitted to Pam for review.

Pam: I've reviewed the floor plans and, in my opinion, none of them appear to comply with the zoning requirement indicating that the apartment space be a minimum of 800 square feet.

The apartment space adjacent to Lisa's Luncheonette doesn't comply because the applicant has eliminated the storefront space in order to accommodate the apartment. This is not the intent of the live-and-work provision. The intent of this change was to keep the storefronts on Main Street intact and NOT convert them to apartments. The intent was to maintain the original storefront while allowing residential space at the back of the commercial area.

Furthermore, the floor plans are missing the dimensions; only the square footage is given. The owner of the North End Bar has indicated to me that the dimensions reflected in his building are incorrect and his living space isn't even depicted on the floor plan so more information is needed concerning his space. Any deviation from the zoning requirements will need another variance.

The Board and the Attorney concur with Pam's opinion.

Lori: My client is out of town at this time and we'd like permission to table this matter to further review our options.

Chairman Nichols: We have no problem with that. Contact Pam when you decide how you want to proceed.

10- 09 Sullivan County I.D.A. Site Plan Review
Red Meat Processing Plant on Willow Lane

Mr. Allan Scott, Chairman of the Sullivan County Industrial Development Agency is present in this matter. He's submitted an application, a short form EAF, an owner's proxy for the Mayor to sign (Note: Said proxy has been signed and has been added to this file) and an application fee of \$100. He has also submitted a preliminary site plan for review. A copy of the preliminary site plan has been distributed to the Mayor, to the DPW, to the Water Department and to the Sewer Department for review and comment.

Chairman Nichols: Has anything changed to the site plan since we approved the subdivision?

Mr. Scott: Not to my knowledge but I can check for you tomorrow. I'm a last minute substitute speaker and representative on this matter.

Chairman Nichols: They seem to be showing the entire road on here. Where are the boundaries of the road? How far are they going?

There is more discussion about the road placement, past conversations about who thinks the road should be where, what's being deeded back to the Village, what is to be identified as Phase I of the project, etc.

John: What are we doing for you tonight?

Mr. Scott: Nothing at this time. We're just presenting you with a preliminary site plan for your review so you have an idea where everything is proposed to be going. We are actively soliciting interest for the remaining lots. We've met with a few interested parties within the last two weeks and I'm sure part of any future development will be the continuation of the road around.

John: What is your time frame on this?

Mr. Scott: Immediate. We'd like to be placed onto your agenda for your December meeting. (Note for file: via e-mail, the IDA is not prepared to submit additional material in time for the December meeting. They have asked to be placed onto the January 2010 agenda instead). With respect to funding, we're expecting to hear about the results of our grant application in early January. With respect to the \$1.2 million for the building itself, it's immediate building with a target completion date of December 2010. We may not make it but we're going to try like hell.

Attorney Chapman: Did I see something in the paper recently about receiving a State grant?

Mr. Scott: Yes. We got a grant for some of the equipment needed for \$320,000.

Attorney Chapman: What is the total cost of the project?

Mr. Scott: The total cost of the project is \$1.9 million.

Attorney Chapman: So how do you come up with the balance of the funds needed?

Mr. Scott: The remaining funds (\$400,000) will come from the Sullivan County I.D.A. We've already committed ourselves to this project. Everything is contingent upon the outcome of this last grant. This facility comes with sixty (60) indirect jobs.

Chairman Nichols: There was an article in the paper regarding the amount of blood and waste being discharged into the sewer plant.

Steve: The waste is supposed to be recycled.

Chairman Nichols: Yes, but there was a question about it and, as I remember them talking, almost nothing will be discharged into the plant.

Pam: John Sansalone from the NYSDEC has already called on this.

Mr. Scott: He has?

Pam: Yes, he has. He wants facts and figures about what specifically is being discharged, how much will be discharged, how and when the discharge will occur and what provisions are being made for pre-treatment. I told him that that data is still unavailable but as soon as it became available, we'd pass it along.

Chairman Nichols: Do we need to do SEQR on this?

Pam: This is way too preliminary to even consider it at this time? Do you want to consider establishing an escrow account for this application?

Chairman Nichols: We need to in order to cover the cost of professional reviews.

Pam: We usually start out with \$2,500. Is that acceptable?

Chairman Nichols: That sounds OK.

Pam: (to Mr. Scott) Can you bring the check with you to the December meeting?

Mr. Scott: Sure. I'll let them know.

(Note for file: A check in the amount of \$2,500 was received on November 30, 2009 along with an escrow form signed by Allan Scott.)

Chestnut Street Apartments

The applicant is seeking an extension of his conditional final approval for another six months.

Chairman Nichols: Is there a limit to the number of times an approval can be extended?

Attorney Chapman: I think it's 180 days maximum but I'm not sure. I'd have to check on it. I know that in Town law, it's maximum two (2) times that an extension can be granted. If you want to grant another extension, you can do that, but I want it conditioned upon my approval. I want to check the State law on this.

Chairman Nichols: In the Town, it costs a bundle to get things re-approved.

Attorney Chapman: In the Town, they get two extensions only.

Chairman Nichols: Pam, do you know when it runs out?

Pam: No, Mr. Knutt told me his approval runs out this month but I don't know the exact date.

The discussion continues regarding the extension, the issues of the pump station, economics, the easement, etc.

ON A MOTION BY STEVE GREEN, SECONDED BY ADRIAN GONZALEZ AND UNANIMOUSLY CARRIED, THE BOARD APPROVES AN EXTENTION OF CONDITIONAL FINAL APPROVAL FOR CHESTNUT STREET APARTMENTS (FRANK NUTT, JR.) FOR THIRTY (30) DAYS SUBJECT TO ATTORNEY APPROVAL. IF THE ATTORNEY

DETERMINES THAT EITHER STATE OR LOCAL LAW DOES NOT PERMIT SUCH AN EXTENSION, THIS APPROVAL IS DEEMED TO BE NULL AND VOID.

FURTHERMORE, THE BOARD IS REQUESTING THE APPLICANT, MR. NUTT, JR. TO ATTEND THE NEXT PLANNING BOARD MEETING IN DECEMBER TO APPRISE THE BOARD OF ALL PERTINENT INFORMATION DEEMED NECESSARY TO MAKE AN INTELLIGENT DECISION.

OTHER BUSINESS:

LIBERTY COMMONS
BARTON ROAD

Chairman Nichols: We (the Liberty Fire Department) hired an independent engineer to conduct a hydrant test on November 10, 2009. Kelly Engineering, P.C. in a letter to the Fire Department, submitted the results and it reads as follows,

"Per your request and referring to the attached sketch, Kelly Engineering, P.C. conducted a hydrant flow test at the referenced location on November 10, 2009.

The hydrant tested was 367 feet South of Barton Road/Carrier Street Intersection. Static and residual system pressure was measure at a hydrant 273 feet west of the Barton Road/Carrier Street Intersection. The static pressure at hydrant "A" prior to the flow test was 105 psi. The flow at hydrant "B", fully opened, was 340 gm. Residual pressure at hydrant "B" during the flow test was 20 psi. "

So what this letter is saying is that the test was done by the hydrant that's placed directly in front of the development. The residual pressure was measured at the last hydrant coming down Carrier Street.

Now, I was hand-delivered a letter tonight just before our meeting started from John Burke, Fire Chief. It reads as follows,

"As per our conversation, in reference to the building project on Barton Road in the Village of Liberty, a test of the water flow was done by Kelly Engineering on November 10, 2009 and the results are 340 gallons per minute. This is not nearly enough water to fight any kind of a fire. For example, the ladder truck needs 1,000 gallons per minute with both nozzles running. Furthermore, the pumpers required 1,500 gallons per minute, and hooking them to the hydrant on Barton Road will collapse the 4" water main on Carrier Street that would cause problems for 1, 000's of people and their water.

Furthermore, I would ask as Chief of the Liberty Fire Department, that the Planning Board of the Village of Liberty, would help get this problem corrected, since they were provided with incorrect information. "

[Note: Copies of both items of correspondence and sketch were copied to Mayor Winters, Ken Hessinger, Water Department and to Pam Winters, Code Enforcement Officer.]

It's as we said. The design of that project is flawed. There is not enough fire suppression water for the project. What would happen is that you'll hook a fire hose onto that and suck it dry, it would collapse the 4" line on Carrier Street and put tremendous pressure on the truck and could easily take out the pump, plus the fact that nobody on Carrier Street would have any water. Period. I was there and I watched the test. When he turned it (the hydrant in front of the development) it took approximately twenty (20) seconds to go from 105 psi to 20 psi and we shut it down immediately so there would be no problems for the neighborhood.

So the water is wholly inadequate for fire suppression and I think it's wholly inadequate for the entire project. So, as a result of both of these letters, I've drafted a letter of my own to forward to the Mayor and Village Board members. It reads as follows,

" It was brought to our attention a number of months ago that the water supply for the Barton Road project might be inadequate for fire suppression should the need arise. During the approval process information is requested by the Planning Board, which we believe is required to make an intelligent decision for approval or disapproval of the site plan. The Village engineers and the Water Department were asked to provide input to the Planning Board as to the adequacy of the water supply.

When the Water Department and the Village Engineers gave their approval for the project, it is assumed by the Planning Board that fire suppression is considered. This project was approved with sprinklers to be installed in the senior citizen building and with a fire hydrant system designed for use by the fire department should the need arise.

The Liberty Fire Chief John Burke advised me this spring that, in his opinion, the water supply is wholly inadequate for fire suppression. An independent test of the water supply was conducted on November 10, 2009 at 9:00 a.m. and the engineers report is provided with this letter. The Fire Chief has responded to this water system test and a copy of his remarks is also provided with this letter. I believe that we would be remiss if we did not immediately provide this information to the Village Board for appropriate action. "

Now, they're going to be looking for certificate of occupancies in December so I just can't see us sitting here knowing we approved something that was wrong. We looked up onto the Internet sprinkler heads; they use 25 psi per head when discharged. So if the something happened in a room at the senior building, one head would go off and that would probably be sufficient for the need. But if you have any kind of fire that progressed at all and three or four heads went of using 75-100 psi and then someone on Carrier Street flushes their toilet, there's going to be a problem.

Discussion continues about how sprinklers systems actually work.

At 8:45 p.m. at the direction of Attorney Chapman the tape is shut off in order for counsel to offer legal advise to the Board.

At 8:49 p.m. the tape was turned back on.

**ON A MOTION BY ADRIAN GONZALES, SECONDED BY JOHN NICHOLS AND
UNANIMOUSLY CARRIED, THE MEETING IS ADJOURNED AT 7:50 P.M.**

Respectfully submitted,

Pam Winters, Clerk

Date Accepted: Jan. 14, 2010