

Village of Liberty Planning Board

Regular Meeting

May 12, 2011

Present:

Don Nichols, Chairman
Steve Green
John Webber
Dan Ratner
Carlton Fritz

Absent:

Also Present:

Langdon C. Chapman, Village Attorney
Pam Winters, Code Enforcement Officer
Peter Parks, DPW Superintendent
Mitch Houghtaling
Derek Kelly, Kelly Engineering
Dana Barnes, Concord Equity Group LLC
Lisa Bonnefin
Joseph Kasiotis

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Chairman Nichols calls the meeting to order at 7:00 p.m. and leads everyone in the pledge of allegiance.

ON A MOTION BY CARLTON FRITZ, SECONDED BY STEVEN GREEN AND UNANIMOUSLY CARRIED, THE MINUTES OF THE APRIL 14, 2011 MEETING ARE APPROVED AS SUBMITTED.

**Special Use Permit Application
04-11 Mitchell Houghtaling/Albert Bitjeman
Triangle Road**

Mitch Houghtaling is present in this matter. The Board reviews the submitted application that calls for 30-40 vendors, short form EAF, owner's authorization, fee and site plan. Mitchell indicates that street cones will be strategically placed to prevent customers from parking across the street. Mitch indicates that he has 22 vendors already signed up to participate. Signage for the flea market should only be displayed when the flea market is active (the weekends). The Board appears to be satisfied with the submission, has really no new questions since the last meeting and agrees to schedule the matter for a public hearing. Pam is to forward copies of the file to the County Division of Planning for review and comment.

**Site Plan Review Application
05-11 Concord Equity Group LLC
Sullivan Avenue**

Derek Kelly from Kelly Engineering and Dana Barnes, representative of Concord Equity Group LLC are both present in this matter. The applicant has submitted a complete application, short form EAF and site plan. The application fee of \$100 is being deducted from an escrow previously established by Mr. Barnes. The application is for approval of a commercial building, 30' X 30' in

size, to be used for a fast-food restaurant with drive-thru service. The exact business going into the site is not yet officially determined.

Chairman Nichols: I don't know why but this looks like we're trying to put ten pounds of stuff in a seven pound bag, especially in the front. How wide is this driveway where the drive-thru is? What are the setbacks here?

Derek: The sideline setback is zero.

Chairman Nichols: How wide is this here?

Dan: It looks to be about 25'.

Peter: I have a few questions about this whole thing. I see you've indicated a dumpster area. That's good. The side of the property closest to Burger King, the drainage is here. Where is the drainage on this side?

Derek: That's just the culvert that you guys dug up.

Peter: Where's the water from this going?

Derek: This drainage swale that was installed when Burger King went in runs over here. We propose to put a catch basin in here and run it all into there and down into your system.

Peter: So there's not going to be a whole lot of run off? Because now, as it sits, all of the water runs here, over here and down into McDonald's. They're already getting flooded and they can't deal with any more water. Is the lateral going to go straight into this manhole?

Derek: I was going to talk to you about that. That's all tentative. Albert was going to go out and mark out an existing 1" spur that was installed contemplating new construction. He's going to mark that out for us.

Peter: I'm good with most everything on the plan. I'm just concerned about the drainage and how the runoff water is going to be controlled so it doesn't go towards McDonald's.

Derek: We can re-grade this here so it's directed this way.

Chairman Nichols: How big is this culvert here?

Derek: Right now it's only 15"; it's not big enough.

Pete: It's just a temporary culvert that was installed.

Derek: It has to be looked at closer and sized accordingly. Right now I can't tell you how big it'll need to be.

Chairman Nichols: We're going to want to see more details regarding all of this added to the site plan.

Derek: Understood.

Steve: What about lighting?

Derek: There is some existing lighting from Burger King that shines down. We can add some additional lighting.

Steve: Landscaping and planting schedule?

Derek: Landscaping is shown in the front of the lot but we can add a planting schedule for you.

Steve: There are no details regarding the retaining wall.

Derek: We have not been retained to design the wall. Right now the wall is located on the sight plan but it'll be engineered by others. Dana has looked at the pre-cast wall that Poley Paving installed behind the Elementary School. That wall was engineered by Binghamton PreCast. Dana hasn't decided yet if that's the type of wall he wants. We'll have to do some more research on material, costs, etc.

Pam: Is everyone OK with the parking? The size of the building warrants 70 parking spaces.

Dan: I count 48 including the bus spot. They're short 22 spaces.

Dana: We would be looking for a waiver from you on this item. I've researched the existing restaurants in the area and, and have also looked at parking requirements in some of our other locations, and the parking requirements in your code appear to be extreme. We feel that what we have proposed is sufficient for our needs. And the parking is figured at restaurant occupancy, which is higher than any other business. If a client wants to occupy half of the building as a business office, the parking requirement would be even less. We'd like to know one way or the other about the waiver so we can complete the details of the site plan.

Dan: How many employees do you predict having?

Dana: We're not sure right now. We have more than one company interested in the site.

Dan: My reason for asking is to determine how many of the parking spaces would be utilized by employees and leaving how many for customers.

Derek: It's all determined in the parking calculations. There's no separation for staff and customers.

Chairman Nichols: I believe we feel comfortable with the proposed parking and would agree to a waiver. Is it still your intention to develop the back of the property in the future?

Dana: Yes. That's all part of Phase II.

Derek: What do you guys actually want from my office, an actual drainage study or just a report?

Chairman Nichols: We need to know that the size of pipe that you're putting in is going to be of sufficient size to handle all of the run-off from the property. We need to know the location and size of the manhole you're going to install, the size of the catch basin, is it going to be larger than a breadbox?

Dana: I have some questions for you if you don't mind. Where do we go from here?

Chairman Nichols: If we get all of the information we need and are satisfied, we can move forward to schedule a public hearing. What is your time schedule?

Dana: We'd like to get moving on this right away?

Chairman Nichols: We can schedule the public hearing for next month.

Derek: Can we request a special meeting?

Chairman Nichols: You're not going to get everything. By the time you get the additional information we need and get it to Pam so she can forward it to the County for review, I'm not so sure.

Attorney Chapman further advises the applicant about the legal procedure of Planning Board approval. There's further discussion about sending the site plan and whether or not it needs review by the Planning Board engineers.

Dana: We see this application as being fairly simple and we don't feel that further review by an engineer is necessary but that's your decision. We're going to apply for IDA tax abatement on this project. With regard to the environmental assessment, you do that as part of your process?

Chairman Nichols: We do. We become the lead agency.

Dana: Is this time consuming and/or costly? The reason I ask is that, if that were the case, the IDA asked me to include them on the application as a party to the application.

Several discussions are going on at the same time regarding what triggers a long form EAF.

Dana: My last question is regarding signs. Some communities are sensitive about installing signs before a project is approved. Would we be able to place a sign before the project gets approval?

Pam: You can file for a temporary sign permit with me. If it meets the criteria in the sign law, you'll have no problem in having it approved.

I have a question regarding the prior comments about not needing any engineered review of the site plan. I actually have a problem with that, especially when it comes to the retaining wall. Given all of the trouble we've had with the wall behind the Liberty Mall, and knowing that the wall located behind the elementary school had to be re-engineered twice before it was built, I'm really concerned. This wall is not nearly as high, only 12', but it's still substantial and I'm not willing to inspect or approve any portion of it without a third party review and inspection. Just look at how the banks have eroded over the years behind Wendy's and Burger King.

Chairman Nichols: This will fall under our site plan review and I have no problem in asking for an engineering review of just the wall.

Dana: We haven't yet decided on the type of wall we're going to install. I've looked at both of those walls. We may go with Binghamton Pre-Cast but we're still not sure.

Chairman Nichols: Decide what you're going to do and get us the design and we'll make a decision after that.

**# 06-11 Lisa Bonnefin and Joe Kasiotis
Site Plan Approval
69 Sullivan Avenue**

Both Lisa Bonnefin and her grandson, Joseph Kasiotis, are present in this matter.

Joe: Hello, everyone. I'm the new owner of the Sears franchise located in the Liberty Mall. I don't have enough room in my present location to store my entire inventory. Originally, I wanted to place a 10' X 20' tractor-trailer body adjacent to my store to hold my inventory. However, if I do that, I've been told that my landlord will want to charge me extra onto the already high rent I pay him. I can't afford to do that.

My grandmother owns this property down the road from the store. It's just a small one-family house with a detached garage and it's zoned Commercial. I'd like to place my storage trailer there temporarily until I can either find a more affordable place to relocate to find a location to build a new store. I have a short-term lease for three years so I'd look for a temporary time-frame of one or two years.

This property is located behind the Milestone Steak House and if everything work's out well, I'd maybe like to locate a brand new building there.

Attorney Chapman: So this is an accessory structure on this lot?

Pam: Yes. I've given you a copy of the zoning that pertains to this.

Attorney Chapman: You'll need to amend your short form EAF to match your application. Have Pam give you a new form to complete before she sends your packet to the county for review.

Lisa: OK

Joe: Sears has a corporate guideline with my contract that the store needs to be set at a certain standard. It needs to look a certain way. Because I've been doing well, I've reached a dealer status so the standards I need to meet are kept at an even higher level. This triggers corporate to come into my store every quarter for inspection. They were there last month, gave me my write-up which says that everything looks great, but I have boxes pouring out of the back of the store. Because of this, I can't lay out all of my merchandise properly so they can actually nix me on my contract and take away my store.

Attorney Chapman: This is going to need a public hearing.

Joe: This is a really time-sensitive issue. Sears corporate is coming back to my store June 1st.

Chairman Nichols: I have no objection to having a special meeting.

Pam: I need 5 days to advertise it in legals and do the certified mailings. If I give you a letter from the Planning Board saying the process is in motion, will that satisfy them?

Joe: I had to sign an agreement saying the issue would be handled within 30 days.

The discussion continues regarding what can be done in the meantime, such as excavating the area, securing the trailer, etc. and the possibility of creating a violation on the property. The public hearing is scheduled for Thursday, May 26th.

Joe: Thanks for all of your help.

OTHER BUSINESS:

Pam: I received a phone call from Mr. David Weiner who's associated with a funding agency from Connecticut regarding the development of 36 acres on West Street called **Liberty Ridge**. He's forwarded me a copy of a conceptual site plan to present to you to see if the project is a viable one. The property owners have approached Mr. Weiner's firm for funding of this project and he's very interested in your thoughts. Will this work or not?

The property is currently zoned R-1 Residential. This type of project would be considered a PUD and would require Village Board approval to move forward. The proposal is for the total development of 215 units as follows:

- 53 single family units
- 82 multiple dwelling units
- 20 duplex units, and
- 60 senior citizen units

I made copies of the site plan and distributed them to all of our department heads for review and comment. I also showed it to those attending our department head meeting. It's just my opinion that it looks like too many homes on this parcel.

Ken Hessinger (Water Dept.) advised me that there's a water line easement running directly through this parcel. He's unsure of the width of the easement but claims it's been in place since the late 1800's. The line is an old 8" cast iron line that runs from the Village boundary between the recreation area and the single family units and adjacent to the senior citizen units ending on Lewis Street. The line runs in and out of the stream and there's a service line in the vicinity of the proposed storm water pond.

John Picard has offered no comments at this time.

Peter Parks (DPW) says the line on West Street is a 6" clay tile line and is not sufficient in size or strength to accommodate all of this construction. The entire West Street water and sewer lines to our Chestnut Street would need to be replaced at the developer's expense. And the wear and tear of the construction of the project on West Street would warrant reconstructing the road before any c/o's are issued, again at the cost of the developer.

The discussion continues regarding School Bell Townhouses, a development located up from this project on Revonah Hill and Timberwolf, since they also drain into the West Street lines and empty into Chestnut Street.

Questions asked and not answered are:

- Will this be occupied year round, as in considering the impact of our school system, busing routes, etc?
- Will this be a gated community; will the municipality have free access to their equipment, hydrants, dumpster areas, fire fighting purposes?
- Will the roads be kept private or deeded to the municipality?

John Webber feels the density of the project has been exceeded. The rest of the board concurs and is primarily concerned about the water easement, the sewer lines and the road in the vicinity of this project.

The fire department was not consulted for their opinion at this time.

Mr. Weiner will be sent a copy of these minutes.

ON A MOTION BY STEVE GREEN, SECONDED BY CARLTON FRITZ AND UNANIMOUSLY CARRIED, THE MEETING IS ADJOURNED AT 8:30 P.M.

Respectfully submitted,

Pam Winters, Clerk

Date Approved: May , 2011