

Village of Liberty

Planning Board Minutes

Thursday, October 10, 2024, 6:00 P.M.

Planning Board Members Present: Steven Green, Chairman, Stacy Feasel, Member, Maureen Crescitelli, Member, Maureen Stabak, Member, Dara Smith, Member.

Also Present: Gary Silver, Village of Liberty Attorney, Marisol Torrens, Code Enforcement Officer, Denise Corbett, Planning Board secretary, Caren LoBrutto, Joel Klein and Avi Weinberg.

Absent: None

Maureen Stabak made a motion to approve the meeting minutes from September 12, 2024. Seconded by Dara Smith. Motion carried unanimously.

PUBLIC HEARING:

1. The Lebovits LLC (Ahava) – SBL# 114-1-1.1 – Held open from 9/12/24 meeting

Steve Green stated that this is a continuation of the public hearing from the September meeting.

Gary Silver asked if anyone had any comments?

No comments.

Motion to close the public hearing made by Maureen Stabak. Seconded by Maureen Crescitelli. Motion carried unanimously. Public hearing was closed at 6:02 p.m.

OLD BUSINESS:

1. **The Lebovits (Ahava) - SBL# 114-1-1.1** – Requests to add a pharmacy on the second floor of an existing building. Address: 25 Carrier Street. Zone: Commercial.

Motion for Lead agency was made by Stacy Feasel. Seconded by Dara Smith. Motion carried unanimously.

Joel Klein stated that he works for Ahava and is here on their behalf.

Gary Silver stated that the ramp would be for emergency use only, not for public access. There will be no patients in the pharmacy, everything will be sent out and the last thing is the water separation that had to be done by a certain date. I know that you got some plans over to Dave Burke and we appreciate that. I did speak to Dave and asked him what is the latest date that this could be done and the asphalt plants close soon so the work would have had to be done by November 22nd. These are the conditions that we discussed before. Does anyone else have any questions?

Gary Silver read the questions on the EAF and the board answered “No” to all questions. Motion to declare Negative Declaration was made by Dara Smith. Seconded by Stacy Feasel. Motion carried unanimously.

Marisol Torrens asked the applicant and their engineer to explain what is going on?

Avi Weinberg, Engineer, asked what the board meant about the water separation?

Marisol Torrens stated that she is fairly new here and she would like him to explain what he has on the plans here so she can understand.

Avi Weinberg, I was also brought on the project after the fact. So when you talk about the water separation, are you specifically talking about the two buildings using the same water line?

Gary Silver, yes.

Avi Weinberg, we do have to look into that. We are working to verify that the code actually permits that.

Marisol Torrens stated that it is her understanding that they connected it from the sprinkler system to the other building and that they cannot do that.

Avi Weinberg, if that is the case then we can ask them to connect it from the domestic line. We can ask them to change the connection. What I came here to focus on is the list of items from Dave Burke. The sewer capacity. I know you guys brought that up. We did an analysis of the exiting pipe and there is more than adequate capacity. I have it here.

Gary Silver gets Dave Burke on the phone to discuss the application.

Dave Burke, the issue with the water supply is that the current water supply is tapped off of the old sprinkler line from the hospital and that can't be.

Avi Weinberg, got it. If we change that to tapping off the domestic line it would solve that issue?

Dave Burke answered no. It needs its own line from the street because there is only one pipe going into that building so the domestic water and your sprinkler water are the same water.

Avi Weinberg, what if we keep one tap from the building and then run a separate line from there? There is already a backflow preventer there so what if we did a split from the backflow preventer? We have designed many buildings like this. After the backflow, we can separate from there. Why do we want multiple connections from the water main?

Dave Burke, it should be one building, one tap. When that system was developed for that building, it didn't include supporting a second building.

Avi Weinberg, so is it a capacity analysis that you want us to perform?

Dave Burke, no. I want you to put a new tap on Lake Street and run it to the building.

Avi Weinberg, okay. I will get with my client and get back with you on that. I did see the letters and I know there is some stuff that you wanted us to investigate to see what is required. As long as you have the requirements and the backflow preventer, we have done this before where it splits once and then enters the property.

Dave Burke, I don't agree with that. What about the sewer and storm water issue that exists?

Avi Weinberg, we are working on that and that is what I came to give an update about. The sewer meets the capacity. The exiting pipe, we have done an analysis and it more than meets capacity. Dave, I suggest that you and I have a separate meeting.

Dave Burke, yes because none of this makes sense at the moment. It is an old tap that exists from an old house that used to be there and they hooked their sewer to it. How did you calculate this capacity?

Avi Weinberg, we took the exiting pipe and we performed an analysis to see how much it can hold.

Dave Burke, what does your analysis of an old piping that exists have to do with an old tap?

Avi Weinberg, are you talking about water line or the sewer line?

Dave Burke, now I am talking about the sewer line.

Avi Weinberg, because if there is a pipe with a slope and an invert and all that, you can determine how much flow it can handle.

Dave Burke, you did not determine the slope and the invert of the old tap. You just hooked to it. Who did the analysis of the pipe that was existing?

Avi Weinberg, right now the sewer line exits onto Lake Street and you wanted to know if that line can meet the capacity for both buildings and the answer is yes.

Dave Burke, my concern is the fact that your storm water line is in the same manhole as the sewer line.

Avi Weinberg, the storm water we are working on. We started this and we will be doing a separate system. The storm water will not be tied in. The storm water will be a separate system. There will be no increase in run off. We will be performing a soil test after the holidays to determine the size and we want to put in an underground drainage system there. We will provide you with the drainage report. The disturbance is less than 1 acre so it does not require a SWPPP but we will provide you with a drainage report with calculations that you can review.

Dave Burke, what brought the drainage up is the fact that you are flooding the neighbor's back yard.

Avi Weinberg, right. We will put a berm and that won't be an issue anymore. There will be no water issues when this is done. There will not be any increased run off and there will be not any disturbance to the existing drainage. We will be revising the contract shortly as they know there are some changes that need to be made.

Dave Burke, please define what shortly means? We have had initial meetings about these concerns over a year ago and we sat down with Libby and that group well over a year ago.

Avi Weinberg, I understand. We were just brought on and we are working on it now.

Gary Silver, it sounds like there are still some discussions to be had between the two of you so that you are both in agreement about what is going to be done.

Dave Burke, that is true.

Gary Silver, then we can't make any decisions tonight because we need to make that a condition. That needs to be taken care of. Dave, do you have any other questions for him? I thought it was important to get you on the phone. We understand that after the holidays you will work on it. Thank you, Dave. I really appreciate your time.

Dave Burke, no problem.

Gary Silver, at this juncture, we can't make any decisions. The next meeting is November 14th.

Avi Weinberg, there is this issue of the back building which I am here to address. What do these two things have to do with each other?

Gary Silver, the issue is that there was some work that was supposed to be done that they agreed to do and it wasn't done and we are not going to approve further applications until it is done. It was promised to be done and it was never done and this board will not approve any more applications. We told Libby back in August that the condition of this approval would be that water separation and I asked when they can have it done by and her response was that she would email Marisol the following day with a response and she never contacted Marisol. So the

point is that after being told a lot of things and there being a lot of broken promises, this board will not approve this application until this is all resolved.

Marisol Torrens, I started here in December and I was informed about all of this in December and I spoke to Libby so many times and it was always the same answer that her engineer is working on it and she will get it to me soon. I still have not received anything.

Avi Weinberg, there is some history here that I am not getting involved with but I am here to resolve those issues now.

Marisol Torrens, until they take care of this issue, the board will not approve the project of the pharmacy. That is the condition.

Avi Weinberg, Gary, I know we did correspond a little so I will email you to see when is a good time to meet.

Gary Silver, you should coordinate that with Dave Burke because this stuff is well beyond my expertise. It also didn't help that at the last meeting, Marisol spoke to Libby that morning and no one bothered to show up at the meeting that night.

Avi Weinberg, we got the call to come on board right after that. There is a list here from Dave's email and I will work on that. There is some stuff that may be a little gray area with the water but we will work with you on that.

NEW BUSINESS:

NYSEG – SBL# 114-2-27 – Requests site plan and special use permit for a power equipment laydown area to store transformers, switchgear, two storage containers. The area will be fenced with a 6 foot fence and will be lighted. Address: 45 Wierk Avenue. Zone: Commercial.

Caren LoBrutto, senior planner from LaBella and Associates on behalf of NYSEG. This parcel is in a commercial zone. There was a building on this parcel that was demolished. They have filled the yard with transformers, switch gear, conex boxes of various sizes, utility poles etc. The plans say proposed but we all know that it is there already. They have installed two new light poles and put gravel pavement, there is a gravel stock pile area, a 6 foot tall barbed wire fence. They have stabilized the embankment on the north side by State Street. I have attached all the requirements as far as set backs. I understood that we were in compliance but I see now that we may have a difference in opinion on that so I am happy to talk about the 10 foot set back and where we stand with that. There are conex boxes that are possibly within the 10 foot set back.

Marisol Torrens, the only thing I know about is the neighbor. That is how I found out about the demo of the house and everything. Two weeks after that the neighbor called and said that you put containers next to her window. I did send letters out to see if we can work it out. I never

heard from anyone until I believe it was you that called me and I told you that you needed to go to the planning board for a change of use.

Caren LoBrutto, exactly and here we are.

Steven Green, conex boxes need approval from us anyway.

Marisol Torrens, the reason I knew that they were storing stuff is because the neighbor called me. So I went to the property and that is how we ended up here.

Steve Green, so the conex boxes need approval from this board.

Gary Silver, yes per code section 87-13 (E). As far as set backs, the boxes need to be outside of that otherwise you will need a variance.

Caren LoBrutto, it was my understanding from NYSEG that they moved the boxes. I can't tell from the street view but they still look pretty close to the set back. It is only 10 feet but I am going to confirm and make it clear that those have to be moved to meet the set back. We do not have the conex boxes located on the site plan.

Gary Silver, you will have to add them to the site plan

Caren LoBrutto, is that the only change to the site plan? To show the conex boxes on the plan?

Steve Green, when you say gravel pavement, which one is it? Gravel or pavement?

Caren LoBrutto, it is gravel.

Steve Green, you have to be clear on that because if it is pavement you are adding to the lot coverage.

Gary Silver, change the plan to show it as just gravel.

Steve Green, other than those two things, I think it is pretty straight forward.

Motion to declare lead agency made by Dara Smith. Seconded by Maureen Crescitelli. Motion carried unanimously.

Gary Silver, there is no 239 review needed. Denise contacted the county and we were told that this does not require it.

Steve Green, this lot and the lot next to it are owned by NYSEG. Are you going to keep them separate pieces or will you merge them together?

Caren LoBrutto, they haven't made any decisions about that yet. They were just excited to see this parcel for sale and to be able to add this to their operation. But I don't know what their plan is.

Gary Silver, when we talk about drainage, and you basically say that you are going to drain onto the other parcel, if that is what your plan is, you are either going to have to create an easement or just merge the parcels. One way or another, that has to be addressed.

Caren LoBrutto, let's assume that they want to do a lot consolidation, does that have to occur as part of this transaction to gain an approval for the site plan as far as the special use permit?

Gary Silver, yes because we can't approve you draining onto a parcel where there is no guarantee.

Caren LoBrutto, understood.

Gary Silver, merging parcels is a fairly easy process. Gary reads the code section 87-19(F) to the board.

Steve Green, you said you added light poles?

Caren LoBrutto, yes there were three existing light poles and we added two LED light poles.

Gary Silver, are they shown on the map?

Caren LoBrutto, they are.

Gary Silver, are the poles pointed down? Because we have to make sure that they are downlit.

Caren LoBrutto, if we were to consolidate the two lots, would the storage containers then become an accessory use?

Gary Silver, yes.

Motion to schedule a public hearing on November 14, 2024 at 6:00 p.m. made by Maureen Stabak. Seconded by Dara Smith. Motion carried unanimously.

Motion to close the meeting was made by Maureen Stabak. Second by Stacy Feasel. Motion carried unanimously.

Meeting was adjourned at 6:37 p.m.