

# **VILLAGE OF LIBERTY PLANNING BOARD REGULAR MEETING OCTOBER 14, 2010**

**Present:**

Don Nichols, Chairman  
John Webber  
Dan Ratner  
Carlton Fritz

**Absent:**

Steve Green

**Also Present:**

Langdon C. Chapman, Village Attorney  
Pam Winters, Code Enforcement Officer  
Jeff Roberts, Surveyor for Root 52 Realty LLC  
Jacob Billig, Attorney (Grossman Tire)

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**PUBLIC HEARING 7:00 P.M.  
# 06-10 ROOT 52 REALTY LLC**

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

Chairman Nichols reads the public hearing notice into the record and opens the public hearing at 7:03 p.m. For the record, twelve (12) certified notices were mailed out and ten (10) were received back. Jeff Roberts is present on behalf of the property owners in this matter. Jacob Billig is present on behalf of the new owner of Grossman Tire, Butch Resnick.

Attorney Billig: I'm here on behalf of Mr. Resnick who is the new owner of Grossman Tire. If Mr. Roberts could just explain the purpose of the subdivision....

Jeff: It's a simple two-lot subdivision. One parcel has Root 52 LLC on it; the second one already has existing parking on it.

Chairman Nichols: Each parcel already has it's own entrance and both meeting the zoning requirements.

Attorney Billig: This portion here (points to property adjacent to the Grossman Building) is in question right now.

Jeff: That has nothing to do with this subdivision. It's a completely matter.

Attorney Billig: It's my understanding that this right-of-way and the bridge is where the problem is and is of concern to my client. We just closed on this today.

Jeff: This 25' ROW is owned by Root 52 Realty LLC for the benefit of Ideal Snacks. The ROW and bridge doesn't come into play in this subdivision.

Attorney Billig: My client has a concern about erosion at the back of the property due to the construction of bridges over the stream.

Jeff: The state did a large portion of reconstruction near the traffic circle. Ideal enclosed the culvert so as to allow foot traffic for their workers from the parking area to their facility. The work is nearly complete with the remaining portion to be completed within the next few months. Any erosion you might have comes as a result of the stream water/rains/runoff.

Dan: I know that you (Billig) have some concerns but I don't think it has anything to do with what this gentleman is asking for here tonight. It sounds like you have another issue that's related to this property but not anything to do with this matter before us.

Attorney Billig: You may be right. I'm just trying to get a little more information about what's going on. I may reach your conclusion but one of the concerns or questions is there anymore work that's going to be done to the creek and any more traffic or increased traffic coming out of this piece.

Chairman Nichols: We have no idea. That's not what we're reviewing here tonight. All of these entrances already exist.

Jeff: If you had a crystal ball, you'd be able to tell what everyone's doing, not just here. None of us can answer your question.

Attorney Billig: The whole point of SEQR is, to a reasonable extent, to try to have a crystal ball and determine if the course of the stream might be changed by such action and if such action could cause an increase in traffic in the area. I don't think that's an unreasonable question.

A brief discussion regarding the traffic circle and traffic patterns continues.

Attorney Billig thanks the board for their time.

Chairman Nichols closes the public portion of the public hearing at 7:15 p.m.

**ON A MOTION BY JOHN WEBBER, SECONDED BY CARLTON FRITZ AND UNANIMOUSLY CARRIED, THE BOARD DECLARES THEMSELVES LEAD AGENCY IN THIS MATTER**

Chairman Nichols reads the SEQR into the record. The Board has yet to receive an opinion back from the County Division of Planning in this matter.

**ON A MOTION BY JOHN WEBBER, SECONDED BY CARLTON FRITZ AND UNANIMOUSLY CARRIED, THE BOARD DECLARES A NEGATIVE DECLARATION IN THIS MATTER.**

**ON A MOTION BY CARLTON FRITZ, SECONDED BY DAN RATNER AND UNANIMOUSLY CARRIED, THE BOARD APPROVES THE TWO-LOT SUBDIVISION FOR ROOT 52 REALTY LLC CONTINGENT UPON RECEIPT OF THE 239 OPINION FROM THE COUNTY DIVISION OF PLANNING.**

**OTHER BUSINESS:**

Because next month's regularly scheduled meeting falls on Veteran's Day, the board agrees to move the meeting to Wednesday, November 10, 2010 at 7:00 p.m. The clerk's office will be notified accordingly.

**ON A MOTION BY CARLTON FRITZ, SECONDED BY JOHN WEBBER AND UNANIMOUSLY CARRIED, THE BOARD GOES INTO EXECUTIVE SESSION AT 7:25 P.M. TO DISCUSS THE RED MEAT PROCESSING PLANT SITE PLAN.**

The board comes out of executive session at 7:40 p.m.

**ON A MOTION BY JOHN WEBBER, SECONDED BY DAN RATNER AND UNANIMOUSLY CARRIED, THE MEETING IS ADJOURNED AT 7:41 P.M.**

Respectfully submitted,

Pam Winters, Clerk

Dated: October 21, 2010

Approved: November , 2010