

VILLAGE OF LIBERTY PLANNING BOARD REGULAR MEETING JULY 9, 2009

PRESENT:

Don Nichols, Chairman
John Nichols
Steve Green

ABSENT:

Adrian Gonzalez
John Webber
Dawn Green, Liaison to Village Board

ALSO PRESENT:

Mr. Simcha (Sam) Diamant
Mr. Kaila Flohr
Mr. Langdon C. Chapman, Village Attorney
Pam Winters, Code Enforcement Officer

Chairman Nichols calls the meeting to order at 7:13 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 JUNE 11, 2009 MEETING ARE APPROVED.

CHAMPLIN GARDENS SPECIAL USE PERMIT APPLICATION

Mr. Simcha Diamant is present in this matter.

Since the last meeting, the applicant has since submitted a revised site plan changing the location of the apartment building to face sideways and decreasing the number of dwelling units within from ten (10) to eight (8). Correspondence has been sent to the Board from Mr. Donald Viele, indicating that, while he was hired to prepare a survey for the applicant and did so, he is not responsible for the addition of any of the site plan details presented to the Board. His letter is added as a matter of record as part of this month's minutes and a copy was given to Mr. Diamant at this meeting.

Copies of the site plan were submitted to all department heads and to Chief Burke for review and comment. Chief Burke doesn't approve of the site plan as designed due to a lack of parking jeopardizing the access of fire apparatus. He is unable to comment further due to a lack of details on the site plan. Ken Hessinger, Water Superintendent, has reviewed the plans, and found them to be incomplete showing no engineering for the water or sewer connections, drainage, hydrants, etc. and disapproves of the project until such time as a complete set of engineered site plans are submitted. The Sewer and DPW are also requesting a full and complete set of plans before commenting on the project.

Chairman Nichols advises Mr. Diamant that the revised site plan still doesn't comply with numerous site plan requirements set forth in Section 87-29 of the Zoning Ordinance pertaining to Multi-Family Residential Uses including an insufficient number of parking spaces and substandard sideline setback requirements.

There is discussion between the applicant, the Board members and the attorney with regard to the definition of front yard, the requirements of two (2) parking places per unit, the lack of a proper and complete site plan, the unauthorized alteration of Mr. Viele's survey, the variance procedure and comments previously expressed by the Fire Department Chief who also reviewed the site plan.

Mr. Diamant continues to question the Board as to whether or not they approve the concept of his project. The Board does its best to explain to Mr. Diamant that they are unwilling to "help design" Mr. Diamant's project, again telling him that he must consult with an licensed engineer to draw a site plan that is in compliance with the Village of Liberty's zoning requirements. It could be that the building has to be designed as a four-unit or something else.

Mr. Diamant argues with Attorney Chapman with regard to the criteria of an area variance and the site plan requirements that are missing. He argues with other members regarding hiring an engineer, with Pam regarding the actual number of units in the existing building and he argues with Steve regarding the use of Viele's survey and alleged alterations to the original document as well as self-created hardships.

John Nichols explains to Mr. Diamant that the Board is very busy, so much so that two members couldn't even attend tonight's meeting and that they cannot keep coming back meeting after meeting to review incomplete plans and give approvals on an application deemed to be grossly incomplete.

Chairman Nichols again tells Mr. Diamant that since the site plan is incomplete as presented, his conceptual approval application needs to be turned down.

ON A MOTION BY JOHN NICHOLS, SECONDED BY STEVE GREEN AND UNANIMOUSLY APPROVED, THE SPECIAL USE PERMIT APPLICATION FOR CHAMPLIN GARDENS IS DENIED. FURTHERMORE, THE BOARD DIRECTS PAM NOT TO PLACE THIS ITEM BACK ONTO THE AGENDA UNTIL SUCH TIME AS THE APPLICANT SUBMITS A FULL AND COMPLETE SITE PLAN STAMPED BY A NEW YORK STATE LICENSED ENGINEER.

ON A MOTION BY JOHN NICHOLS, SECONDED BY STEVE GREEN AND UNANIMOUSLY CARRIED, THE MEETING IS ADJOURNED AT 8:40 P.M.

Respectfully submitted,

Pam Winters
Clerk to the Planning Board

Date Approved: August 13, 2009