**VILLAGE OF LIBERTY**

**REGULAR PLANNING BOARD MEETING**

**THURSDAY, NOVEMBER 8, 2018 7:00 P.M.**

**Present:** **Absent:**

Steve Green, Chairman Maureen Crescitelli

Joan Stoddard

Ernie Feasel

Malek Rabadi

**Also Present**:

Gary Silver, Village Attorney Lou DiCostanza

Pam Winters, Code Enforcement Officer Morris Schrader

Allan Roscoe, P.E. Core, McDonald’s Star Gordon

Ben Kinzler, Atty for Greater Adult Neighbors 5 LCHS students

Krystal, Director at Arcadia Aziz Bendadenam

Mr. Leboviz, Owner of Arcadia & Sam, an associate

John Petroccione, P. E. Greater Adult Neighbors

Chairman Green opens the meeting at 7:00 p.m. and leads everyone in the pledge of allegiance.

**ON A MOTION BY JOAN, SECONDED BY ERNIE AND UNANIMOUSLY CARRIED, THE MINUTES OF THE LAST MEETING ARE APPROVED AS SUBMITTED.**

**PUBLIC HEARING 7:00 P.M. BARHAN LIMITED PARTNERSHIP (CHARLIE BARBUTI** **FURNITURE MALL)**

**ON A MOTION BY MALEK, SECONDED BY JOAN AND UNANIMOUSLY CARRIED, THE PUBLC HEARING FOR CHARLIE BARBUTI IS OPENED.**

Chairman Green reads the legal notice into the record. Eleven (11) certified notices were mailed out. Five (5) were received, one (1) was returned as undeliverable and five (5) were still unknown.

Chairman Green: Is anyone here from the public on this matter?

NO RESPONSE.

**ON A MOTION BY JOAN, SECONDED BY MALEK AND UNANIMOUSLY CARRIED, THE PUBLIC HEARING IS CLOSED.**

Charlie Barbuti is present and has no new information to offer. The board members have no further questions at this time.

Attorney Silver reads Part 2 of the short form EAF into the minutes, asking the members each question and marking their responses accordingly. He also mentions that we received back a letter from the NYSDOT regarding this application and their only comment was to stress that nothing be placed within their right-of-way.

**ON A MOTION BY MALEK, SECONDED BY ERNIE AND UNANIMOUSLY CARRIED THE BOARD VOTES FOR A NEGATIVE DECLARATION IN THIS APPLICATION.**

Chairman Green signs the application and Pam will e-mail the signed copy to Attorney Silver for his files.

**ON A MOTION BY ERNIE, SECONDED BY JOAN AND UNANIMOUSLY CARRIED, THE BOARD APPROVES THE SITE PLAN APPLICATION FOR BARHAN LIMITED PARTERSHIP**

**PUBLIC HEARING: MCDONALD’S RESTAURANT 7:05 P.M.**

 **58 SULLIVAN AVENUE**

Allan Roscoe is present in this matter

Chairman Green reads the legal notice into the minutes. For the record, four (4) notices were mailed out. Three (3) were received and one (1) was returned.

**ON A MOTION BY ERNIE, SECONDED BY JOAN AND UNANIMOUSLY CARRIED, THE PUBLIC HEARING FOR THIS APPLICATION IS OPENED.**

Allan presents an amended site plan to the board for review and comment.

Chairman Green: Is anyone here from the public on this matter?

Star Gordon: Just what are you doing?

Allan offers an overall explanation of the process he’s gone through with both the ZBA and Planning Boards, explaining the side-by-side concept. He goes on to explain to the board the he recently received his second variance for the parking from the ZBA and is back before the board tonight for final approval.

The board and Allan review the comments offered by Delaware Engineering regarding the concerns from the fire department, the comments from DPW regarding the location of the dumpster area and its accessory structure. They also mention that the actual ground coverage has been reduced which is a good thing.

Attorney Silver tells the board that we’ve received the comments back from the County regarding 239-m review and the fact that they consider this a matter for local determination. He reads the questions in Part 2 of the Short Form EAF marking down each answer the board gives as a matter of record.

**ON A MOTION BY JOAN, SECONDED BY MALEK AND UNANIMOUSLY CARRIED, THE BOARD VOTES FOR A NEGATIVE DECLARATION IN THIS MATTER.**

Chairman Green signs the application. Pam will e-mail the signed copy to Attorney Silver for his files.

**ON A MOTION BY JOAN, SECONDED BY ERNIE AND UNANIMOUSLY CARRIED THE BOARD VOTES TO APPROVE THE SITE PLAN/SPECIAL USE PERMIT FOR MCDONALD’S CONDITIONED UPON RECEIVING A LETTER FROM THE LIBERTY FIRE DEPARTMENT INDICATING THEY’RE SATISFIED WITH THE PRESENT PATH OF TRAVEL**.

**PUBLIC HEARING GREATER ADULT NEIGHBORS 7:25 p.m.**

 **25 CARRIER STREET**

Chairman Green reads the legal notice into the minutes. Thirty-six (36) certified notices were mailed out, twelve (12) were received and twenty-four (24) were still unknown.

**ON A MOTION BY JOAN, SECONDED BY MALEK AND UNANIMOUSLY CARRIED THE PUBLIC HEARING FOR THIS APPLICATION IS OPENED.**

Chairman Green: Is there anyone here from the public on this matter?

Star Gordon introduces herself to everyone indicating she resides across from Arcadia at 117 Lake Street. She indicates that she feels Arcadia is a good neighbor and the construction work and improvements, including the new fenced-in area is welcomed. She asks about this public hearing notice.

Ben, attorney for the facility, explains that since having accepted the majority of residents from the closing of the Narrowsburg Adult Home, the owners see a strong need for an indoor recreational place for their residents to use, especially during inclement weather. By allowing the construction of a second floor over the therapy pool, this change in plans fulfills this need.

**ON A MOTION BY MALEK, SECONDED BY JOAN AND UNANIMOUSLY CARRIED, THE PUBLIC HEARING IS CLOSED**.

Attorney Silver advises everyone that we’ve received back the 239-m review comments from the County and they indicate that this should be a matter for local determination.

Since the applicant only submitted the revised site plan to Pam just before this meeting, Delaware Engineering hasn’t had the opportunity to review and offer any comments or recommendations to the board.

Attorney Silver reads the questions in Part 2 of the short form EAF into the minutes, asking the board each question and marking their responses accordingly.

**ON A MOTION BY MALEK, SECONDED BY JOAN AND UNANIMOUSLY CARRIED, THE BOARD VOTES FOR A NEGATIVE DECLARATION IN THIS MATTER.**

Chairman Green signs the form and Pam will e-mail the signed copy to Attorney Silver for his records.

**ON A MOTION BY MALEK, SECONDED BY JOAN AN UNANIMOUSLY CARRIED, THE BOARD VOTES TO APPROVE THE AMENDED SITE PLAN FOR GREATER ADULT NEIGHBORS L.L.C. CONTINGENT UPON RECEIVING A POSITIVE COMMENT FROM THE VILLAGE ENGINEER.**.

**NOTES FOR FILE**: Subsequent to this meeting, the site plan was reviewed by Delaware Engineering and those comments were e-mailed to Pam who, in turn, e-mailed them to each board member and the Village Attorney. Robert’s comments were minor in nature. A copy of that response is included as a matter of record with these minutes.

**NEW BUSINESS**:

**# 09 2018 LAST LICKS RESTAURANT**

**89 SULLIVAN AVENUE**

**SITE PLAN/SPECIAL USE PERMIT**

Lou DiCostanza, agent for the owner, and Morris Schrader, contractor for the owner, are here tonight to explain their application which is to construct a 1660 square foot addition to the restaurant. Lou presents the original site plan to the board to show the difference in the initially approved site plan. It’s clear that the site plan that was approved years ago is NOT what was built but what they have in place now actually works well.

Based upon the square footage of the expanded building, 32 parking spaces are needed and there are only 22 on site now.

There is more discussion regarding the idea of just “swapping out the seating” meaning that due to a change in the configuration of the interior, ie, the kitchen and the bathroom, the applicant is really not increasing the seating capacity. They’re just able to make better use of what they already have when the addition is done and, in doing so, will be able to expand the present menu to continue to serve the public even better.

The board is satisfied with this explanation and determines that the application doesn’t need to go to the ZBA for a parking variance. The addition itself causes the need for six (6) new parking spaces, not 32, and the applicant is confident that they can meet this requirement but relocating a light pole to the back of the property.

**ON A MOTION BY JOAN, SECONDED BY MALEK AND UNANIMOUSLY CARRIED, THE BOARD DECLARES ITSELF LEAD AGENCY IN THIS MATTER.**

Chairman Green schedules this application for a public hearing on Thursday, December 13th, at 7:00 p.m.

**ON A MOTION BY MALEK, SECONDED BY JOAN AND UNANIMOUSLY CARRIED THE MEETING IS ADJOURNED AT 8:00 P.M.**

Respectfully submitted,

Pam Winters, Clerk Approved Dec. 13, 2018