

Village of Liberty

Planning Board Minutes

Thursday, June 13, 2024, 6:00 P.M.

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

Also Present: Gary Silver, Village of Liberty Attorney, Marisol Torrens, Code Enforcement Officer, Denise Corbett, Planning Board secretary, Audrey Garro, Manuel Juca and Gigi Palaguchi

Absent: Dara Smith

Approval of planning board minutes from April 11, 2024 and May 9, 2024.

Motion to approve both sets of minutes made by Maureen Stabak, seconded by Maureen Crescitelli.

Motion carried unanimously.

PUBLIC HEARING:

1. **County of Sullivan IDA – SBL# 120-1-1.12/120-1-1.23** – Motion was made to open the public hearing by Steve Green. Seconded by Maureen Stabak. No comments. Motion to close the public hearing was made by Steve Green, seconded by Stacy Feasel.
2. **Luis Ulloa – SBL# 108-8-4** – Applicant is not present. Motion was made to open the public hearing made by Stacy Feasel, seconded by Maureen Crescitelli. No comments. Motion to close the public hearing made Maureen Crescitelli, seconded by Stacy Feasel.

OLD BUSINESS:

1. **County of Sullivan IDA – SBL# 120-1-1.12/120-1-1.23** – Requests to construct a commercial kitchen to distribute free food to the community. Address: 92 Commerce Dr. Zone: Commercial.

Gary Silver: Discussed the EAF (Environmental Assessment Form) and explained the difference between a small or no environmental impact or if it is a large or moderate environmental impact. There are 11 questions on the form. Gary asked the board to answer the questions on the EAF. The Board answers all questions on the EAF. All questions were answered “No” and Gary recommends that the board declare a negative declaration.

Motion for negative declaration made by Maureen Stabak, seconded by Maureen Crescitelli. Motion carried unanimously.

Gary Silver: Does anyone have any questions for the applicant? No questions.

MOTION TO APPROVE APPLICATION made by Steve Green, seconded by Stacy Feasel. MOTION CARRIED UNANIMOUSLY.

2. **Luis Ulloa- SBL# 108-8-4** – Requests to convert a single family home into a two family home.
Address: 46 Lincoln Place. Zone: R-2.

Marisol Torrens: The applicant is not here. He lives in the city and could not make it today.

Gary Silver: Discussed the EAF (Environmental Assessment Form) and explained the difference between a small or no environmental impact or if it is a large or moderate environmental impact. There are 11 questions on the form. Gary asked the board to answer the questions on the EAF. The Board answers all questions on the EAF. All questions were answered “No” and Gary recommends that the board declare a negative declaration.

Motion to issue a negative declaration was made by Maureen Stabak, seconded by Stacy Feasel. Motion carried unanimously.

**MOTION TO APPROVE APPLICATION made by Maureen Crecitelli, seconded by Maureen Stabak.
MOTION CARRIED UNANIMOUSLY.**

NEW BUSINESS:

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

Marisol Torrens: The applicant is not here for this one either.

Steven Green: Even though they are not here, I would like to discuss this. I spoke to Libby and they need to put a ramp outside.

Marisol Torrens: We already spoke about this and that is the ramp you see on the plan. I spoke to them about this. The people from the community or the elderly cannot access the facility because they do not have an elevator. The adult center is only for the people who live here. The ramp would be used for the pharmacy and to access the facility. The problem is that the ramp cannot go over there because this door is an egress door. I explained this to Libby in many emails. I told them that I can give them a permit for the ramp, which I did, but they cannot use this ramp for people coming in and out of the pharmacy because it is an egress door.

Stacy Feasel: I thought we had a special meeting a year ago about an elevator?

Marisol Torrens: They have an elevator but it is only for the residents to use

Steve Green: This pharmacy is above the pool. There is a 4 foot pool downstairs and the room above it was not supposed to be used as a residential day care.

Marisol Torrens: That is what it is used for.

Steve Green: So you will have to go back to the approvals and see what it was approved for.

Gary Silver: What is the requirement for a ramp? Is it 1 x 12?

Marisol Torrens: yes. The ramp is supposed to be used for emergency egress only. I told them to take the ramp off this plan and just focus on the pharmacy part of the application.

Gary Silver? Tell them that is for emergency egress only and if they don't abide, tell them we will rescind any and all approvals. Any violation will threaten their operation and they may be shut down.

Denise Corbett: We have a planning board decision letter that spells out any and all conditions, approvals etc. that gets sent to the applicant so they can see what was approved.

Steve Green: The second thing I wish to talk about it is because of the ongoing situation with the building and the water lines

Marisol Torrens: I did my homework on this and I have the documents upstairs and I was trying to negotiate with them that I can send them to the planning board but they have to give me this etc.

Gary Silver: I guess Dan ignored what I said in regards to the CO because he was on the phone with me and them and I told him

Stacy Feasel: Can you revoke a CO?

Marisol Torrens: yes, but the building is totally separate from whatever they were doing with the water lines.

Steve Green: So there is no conflict?

Marisol Torrens: There is no conflict. I like to read and I did my homework. The building is totally separate from the water lines and whatever else they have going on. It was approved by the planning board and everything.

Gary Silver: Dave Burke and I spoke with them and they agreed

Marisol Torrens: Their answer is we are working on it, my engineer is working on it etc. That was my leverage in the beginning.

Stacy Feasel: I have a problem with the elevator

Marisol Torrens: I can arrange a walk through with whoever wants to go

Steve Green: I see on the survey that they show a new line

Gary Silver: Is it a water line?

Marisol Torrens: They had a problem with the sewer line and they were blocks of concrete and blacktop in the line and the contractor, David Moody, is still there working on it.

Steve Green: The Mylu Team is there

Gary Silver: They have to get it done. Perhaps one of the conditions of approval, if given, is to say they have to get it done by a certain date or we will have to revoke the approvals. We hate to have to do that but they have come before us a multitude of times and they change it or never start. They need to get things done and get it done on time.

Marisol Torrens: I have another one for you, they want to add another kitchen somewhere. I asked them how many more things are you going to add to this building?

Gary Silver: Find out why this is not done yet when you talk to them about not showing tonight

2. **185 Lake Street – Gigi Palaguchi – SBL# 111-1-37** – Requests to open an auto repair shop. Address: 185 Lake Street. Zone: Commercial.

Marisol Torrens: This is Manuel. He is the owner of the business, corporation and the building. His wife is Gigi and she is here also. I submitted all of the documentation showing proof of ownership. They bought it. They are proposing to do a repair shop in the garage. If they need additional storage, this is another barn. They are going to store the tires and parts in this enclosed area because we have a big problem with piles of tires etc. They have plenty of room for parking over here. This is the house that they currently live in. I believe this is a commercial zone, right Denise?

Denise Corbett: Yes it is.

Marisol Torrens: This is a commercial property and this use is allowed under special use.

Gary Silver: How big is the building because if we don't have a code to follow, we go with industry standards, but this wouldn't fall under industry standards. The code says 1 parking space for every 250 square feet of floor area. How much is the commercial space?

Marisol Torrens: Asks the applicant in Spanish how big the commercial space is. They have a survey. If you look up the parcel on the county website it is going to show you the total of all buildings, not just the commercial part.

Gary Silver: There are 4 buildings and they have 4 numbers here. I am going to assume that the commercial area is 2081 square feet which would be 9 parking spaces. If they can do 10 spots because they need at least 1 for themselves. How many spaces can you fit there?

Steve Green: You can fit 20-30 spaces. My guess is that this back building is going to be used for storage. Customer parking and customer cars are different. You have customers that are going to come in and go right out, then you are going to have customer cars that are going to be dropped off for repair and may stay overnight.

Marisol Torrens: It is going to be used for storage. The cars are going to be worked on in the garage.

Gary Silver: The cars are going to have to be kept in the garage.

Marisol Torrens: Yes, I told them that there needs to be overnight parking area over here out of sight. This way it doesn't look like a junk yard.

Steve Green: The use has not changed because it was a small engine repair shop before. So it was always used as a garage.

Marisol Torrens: If it was a small engine repair versus automobile repairs and service, it is different.

Gary Silver: They are different. So what I am looking at here is that the garage is the only thing that is commercial and that is 2081 square feet. So there should be 9 parking spaces and they should probably have 2 for the residents for a total of 11 spaces.

Steve Green: You have to be careful because this is a state road.

Marisol Torrens: Would it need a 239?

Denise Corbett: Anything that is on a state or county road would need a 239.

Gary Silver: Ok, we have time to send it to them.

Marisol Torrens: So he should have enough room for the parking requirements. Translates in Spanish to the applicant.

Gary Silver: The code says that the minimum for parking spaces is 9 feet x 19 feet. They can make it bigger.

Marisol Torrens: So this area right here is an easement for this house in the back. They know they cannot block the easement.

Steve Green: So there are a couple things. I don't think we have permitted storage trailers on this lot.

Marisol Torrens: Those were there when he bought it.

Steve Green: It doesn't matter.

Marisol Torrens: Well in a commercial area, you can have trailers.

Steve Green: But can you have them forever?

Marisol Torrens: It is a commercial zone, yes. They are allowed. I think if we had a workshop for applications before they come to the planning board, we can sort out all of these kinds of things prior to the meeting. The applicant can then provide you everything that is required at the meeting. The applicant just told me that the trailers are not there anymore.

Steve Green: Do you want to schedule a public hearing?

Gary Silver: Let's look at a few things. They have to show us a parking plan. Is this contiguous to an existing residential use? If it is, you have the right to require the minimum front, side and rear yard being increased. The board may require for purposes of separating or shielding the activity a buffer between residents. That would be a fence or landscape buffer. That is up to you if you want that. They have to have fire suppression equipment. If they have any lighting outside, they have to make sure it doesn't spill

over into the road. If it is vehicle sales or repair, all repairs must be done inside. All automobiles and parts must be stored in the building. No more than 8 vehicles can be kept on the site at one time.

Marisol Torrens: So some repair shops will leave the cars outside at night so there is a law that says no more than 8 vehicles.

Gary Silver: Right. It also says that the minimum area of the lot shall be 15,000 square feet. The lot is $\frac{3}{4}$ of an acre so it is big enough. Is there adequate site distance? We know there is. No more than 2 wrecked, parked or unlicensed vehicles shall be kept on the premises. The fence shall be no more than 6 feet high. A minimum of 10 feet wide landscape buffer shall be required on the side and rear yards. Auto body shops shall be licensed.

Steve Green: Thalmann's has a fence so they keep their stuff behind the fenced area. In this situation, you can't really fence it because you have to keep access for the easement.

Gary Silver: It says a landscape buffer so they have to put something there. So you determine the nature of the landscape buffer on the side and rear. How far is the building in the back from the rear property line?

Denise Corbett: It should be on the survey.

Gary Silver: If they have to put 11 parking spots on the side, is there enough room for the spots and some sort of buffer that is 10 feet.

Steve Green: There is 60 some feet.

Gary Silver: So there is plenty of room. The point is that they need some sort of buffer so they need to propose that or you need to tell them what you would like there. It is up to you. It can be tall grasses, bushes, or whatever you want. That is up to you guys.

Steve Green: So in doing that, it would cut his access to the front.

Stacy Feasel: So he can just put it on the side.

Steve Green: If he puts it on the side, it comes all the way out. The DOT may make him take the entrance out anyway or they may not say anything. So if you want him to bring the fence to the front of the property line or building line.

Marisol Torrens: Well a fence or landscaping cannot be higher than 4 feet because it cannot block the line of sight of traffic. The front cannot be higher than 4 feet. Other than that, it can be 6 feet high. That is the ordinance.

Steve Green: If he came across from the left building, he can put a fence 6 feet high from here all the way around.

Marisol Torrens: I don't know where his driveway is, so if his driveway is over here in this area, he has to have clearance to see. If the driveway is over here, then it wouldn't matter.

Stacy Feasel: This is probably landscaped already with bushes.

Steve Green: So he may be able to leave it natural.

Stacy Feasel: So what is next?

Marisol Torrens: We have to send a 239.

Denise Corbett: And are you going to schedule a public hearing for next month?

Steve Green: Yes

Maureen Crescitelli: And they need to bring a parking plan.

Motion to schedule a public hearing at 6:00 p.m. on July 11, 2024 made by Maureen Crescitelli. Seconded by Maureen Stabak and unanimously carried.

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

Meeting was adjourned at 6:56 p.m.

Stacy Feasel made a motion to adjourn the meeting. Dara Smith, second the motion. Meeting was adjourned at 6:23 PM.

