

Village of Liberty
Planning Board Minutes

Thursday, April 11, 2024, 6:00 P.M.

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

Also Present: Gary Silver, Village of Liberty Attorney, Marisol Torrens, Code Enforcement Officer

Absent: Maureen Stabak, Member

THE BOARD APPROVES THE MINUTES FROM THE MARCH 14, 2024 MEETING.

Applicant: Ingrid's Little Angels Home Daycare – Proposed Home based Daycare at 30 Winslow Place SBL# 104-5-3

PUBLIC HEARING: Motion to close the public hearing made by Steve Green, second by Stacy Feasel and unanimously carried.

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.

Stacy Feasel - Motion for negative declaration, second by Maureen Crescitelli. Motion carried unanimously.

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

Steven Green: MOTION TO APPROVE APPLICATION, STACY FEASEL, SECOND. MOTION CARRIED UNANIMOUSLY.

Marisol Torrens: Translated in Spanish.

Steps 4 Success Development Center – Requests to operate a daycare center at 5518 SR 55 SBL# 117-2-1

Steven Green: Do you have the revised site plan and the lighting detail?

Marisol Torrens: I got the new plans right here and the lighting plan was emailed, which I have here also. So the only thing left to review is the lighting plan and the playground.

Gary Silver: I see where they placed the playground on the plan and I know Marisol has been to the site. It's 5 and 10 feet away from the right of way.

Marisol Torrens: So I went there and did the measurements. The first time the applicant was here was my first planning board meeting and I did not look at the package because you did not present me with a package to look at. I sat down with Dave and looked at your packet and I saw a bunch of pictures and stuff like that so now I have a different understanding. In your packet you are proposing a playground

here for older kids and a playground here for smaller kids. So there is a sidewalk here and the fence is starting from the building and in another plan you have the fence from the sidewalk out. Which plan are you using because if you are going with the one where the fence starts at the building then the distance to the road is less? The google images you sent me show the fence from the building as well. Also, I contacted the state that oversees daycares and I contacted the state code enforcer and the state says that a playground is considered an accessory structure and an accessory structure by the code of the village says that you cannot have an accessory structure in front of the building. Also, in your pictures it shows a door right here that goes to a classroom. What is the reason for that door?

Alyssa Thalmann: That would be the door to the infant room and that door would lead right into the infant playground. My original plan was to have the infant playground here and the other playground where the current parking lot is but there was some concern about the number of parking spots.

Jessica Thalmann: We would prefer to have the playground on the side of the building where the current parking lot is but there was concern about the number of parking spots as well as handicap spots.

Marisol Torrens: How many parking spots is the state asking you to have?

Alyssa Thalmann: The state doesn't have a preference and we own the lot across the street that we could turn into a parking lot if we have to. We will have 8 employees at maximum capacity. We will need spots for 8 employees and we just need spots for drop off and pick up.

Marisol Torrens: So here you have 9 parking spots. The handicap space does not have to be directly in front of the building so you can put it here and put your playground here. The code for parking spaces all depends on the use so if it is a business you need 1 ½ spots per square foot or something like that.

Steven Green: How many square foot is the building?

Alyssa Thalmann: 2150

Gary Silver: I have to agree to disagree with your interpretation of an accessory use, Marisol. A playground is not an accessory building.

Marisol Torrens: The code says accessory structures not attached to the principal building shall be located not less than 10 feet from the side or rear

Steven Green: But it is not a structure

Marisol Torrens: The state is considering it an accessory structure

Gary Silver: This is our zoning code. We have to follow the village zoning.

Marisol Torrens: I understand that but when you approve this, the application is going to come to my office and I am going to deny it because of the section of the playground.

Steven Green: Hold on, we have another problem. The daycare down the Brewery has a playground that we did not approve that is in front of the building

Gary Silver: A playground is not an accessory structure

Discussion amongst board members and applicants. Multiple people speaking at once.

Marisol Torrens: That was pre-existing before I started here so now I know about it.

Steven Green: It has to be brought back here for us to discuss

Marisol Torrens: Here is the documentation from the state

Gary Silver: Our code says that a structure means a combination of materials that include stadiums, telecommunication facilities etc.

Alyssa Thalmann: Is a fence considered an accessory structure?

Gary Silver: We have a separate code for fences. All we can do is apply our zoning code.

Marisol Torrens: I understand that but the reason the applicant is here is so that we can make a correct decision and make sure that she is in compliance so that when she comes to my office for a building permit we have what we need. I am not the enemy here. I am just here to apply the codes that I enforce.

Stacy Feasel: I have a problem with the playground being in the front

Jessica Thalmann: We do too

Alyssa Thalmann: If the playground has to be there, it really should be a 6 foot fence. We really want it to be on the side of the building. If we can move forward with the playground being on the side, we are happy with that. We don't want to be in violation with the number of parking spots though.

Stacy Feasel: That would be better with the stuff you have to put down anyway

Marisol Torrens: yes you have to put stuff down

Alyssa Thalmann: I don't know how Healthy Kids is getting away with it because you are not supposed to have a playground on a hard surface

Marisol Torrens: yea you have to put wood chips or some stuff like that on the play area

Alyssa Thalmann: We have a proposal from a contractor to put the playground on the side of the building

Stacy Feasel: She has 9 parking spots over here so she really doesn't need 9 more over here

Steven Green: No, she should be good. We can do like what we did for Ahava. If parking becomes a problem we have the other side and we can call that reserve so she can upgrade it sometime in the future. We just have to monitor it over time to see if it becomes an issue.

Gary Silver: So you want to put the parking lot over here and the playground here?

Alyssa Thalmann: yes and I would like to have a 6 foot fence

Marisol Torrens: She is going to be inside the parking lot so I don't think that is going to matter if it is 4 foot or 6 foot. It matters if you have a neighbor and the fence blocks the line of sight when pulling in

and out so they can see the traffic. It is going to be within the parking lot so I don't think it will be an issue. I don't have a problem with it.

Gary Silver: Fences can't exceed 6 feet in height so they are good with a 6 foot fence. If they want to exceed 6 feet, they would have to get a use variance

Alyssa Thalmann: So what is the next step? We have to get a new site plan?

Gary Silver: So you want to put the playground over here?

Alyssa Thalmann: The playground will be on the side of the building

Stacy Feasel: And there is a door there?

Alyssa Thalmann: We will be adding a door there. This is just a satellite image but it would be the yellow area that it would look like

Gary Silver: So you would move the handicap spots?

Jessica Thalmann: Do you want the handicap parking spots on the side of the parking lot or can I put them across the parking lot?

Steven Green: They really shouldn't be across the parking lot

Gary Silver: They should be on the other side of the playground. They may have to walk a little farther but you don't want to have people walking across the parking lot. And the playground is still going to be the same size? 16 x 24?

Alyssa Thalmann: It is going to change a little bit. It is 40 x 40 but it is going to go back a little bit.

Marisol Torrens: The place is very big, the parking lot is large so she will have plenty of space for the handicap spot as well

Alyssa Thalmann: Technically, we are only taking out 3 spots and we will have 8 employees maximum

Gary Silver: That is much better. I think it satisfies everyone's needs. I was talking to Steve about it and we mentioned those concrete barriers

Jessica Thalmann: Those concrete barriers look awful

Gary Silver: They do but if the playground was going to be by the road, the safety of the kids is what is important to us. This is much better.

Alyssa Thalmann: So our next step is to get a new site plan. If we get the new site plan ASAP, will we be able to do a public hearing in May?

Gary Silver: Yes. Get the site plan as soon as possible so Marisol can look at it. Bring it in to her so she can say that is perfect so it will be all ready and we can have the public hearing in May

Alyssa Thalmann: OK good because our seller wants to pull out on us

Marisol Torrens: That was the lady that called me?

Alyssa Thalmann: Yes

Gary Silver: You can have them call me or Marisol and we will speak to them

Marisol Torrens: No, I'm out of that. She can call you, Gary.

Gary Silver: Ok. Please it is very important that we have a quorum for May. So the public hearing will be at 6:00 PM on May 9th.

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