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"Minutes are not official until approved by their respective board."

### VILLAGE OF LIBERTY PLANNING BOARD MEETING

October 23, 2025

In attendance: Steven Green, Chairman, Maureen Crescitelli, Member, Dara Williams, Member, Stacy Feasel, Member, Marisol Torrens, Code Enforcement, Gary Silver, Village of Liberty Attorney

called the meeting to order at 6:00PM.

**Steve Green:** called the meeting to order at 6:00 pm.

**Steve Green:** So...

**Garry Silver:** We don't have enough minutes.

**Steve Green:** We don't have minutes from the last meeting.

**Marisol Torrens:** I do have minutes, but I have to go through it because they're using the AI system and it's not picking up everything. So, me and the minutes guy are getting together to work it out.

**Steve Green:** So, we'll skip on the minutes.

#### 1- 91 Chestnut St. - SBL: 108.-9-5 - Zone: Commercial - Location: 91 Chestnut St.

**Steve Green:** First thing on the agenda is 91 Chestnut Street. Section 108-9-5. I request to convert a resident's three-family into a 13-apartment. That is the applicant, right? Okay.

**Marisol Torrens:** So, you tell them what you want.

**Garry Silver:** Well, before we started, even going through this, just a handful of technical errors with some of the documents. One of the problems that we're faced with here is the section 87-29 of the Village Code, which governs housing residential developments and anything developing over three units, and you want 13 units as bound by it. Section F provides that for

two-family and multi-family dwelling density, there's a multi-family, shall be limited to the same number of dwelling units per acre that will be permitted within the district if the parcel in which the units are to be constructed were to be developed for one-family residential use, or maximum of six units per acre, providing parking requirements can be met. You're at .6 acres, so you would have, the best you could have is either three or four units, unless you went to the Zoning Board of Appeals and sought a variance, an area variance. I can tell you that it would probably be an uphill climb to get them to increase three or four units up to 13 units. In addition, Marisol, was an inquiry made of Dave Burke about whether the water sewer...

**Marisol Torrens:** Yes, so he told me that yes, that we could go ahead with it because it already has a big pipe in there.

**Garry Silver:** Okay, so there's no water sewer issue, but the point is this board is restricted by the law. They can't vary it, only the Zoning Board of Appeals can. And since it's six units per acre, this is .6 acres, so you title 3.6, so I guess four units is the most you could have, based upon the law now.

**Edmilson F. De Lima:** Well, when I brought in the land bank, I mentioned to them on one of...

**Steve Green:** It doesn't matter.

**Garry Silver:** The land bank has nothing, they have no authority over the village, we have no authority over the land bank. And this board is obligated to follow this law. The only board that can vary this is the Zoning Board of Appeals, they can assure a variance. I'm the attorney for them; I can't tell you whether they grant any variance or what they would grant. I can tell you to go from 4 units up to 13 units is a pretty big jump, but that would be up to the members of the Zoning Board of Appeals. I don't make decisions; I'm just the attorney.

**Edmilson F. De Lima:** And where can I go to try to get it, because the house is a monster, it's a real big house.

**Garry Silver:** Well, that's it. It's a different story for the one we have on our own.

**Garry Silver:** Like I said, you would have to file an application for an area variance to the Zoning Board of Appeals, and then the Zoning Board of Appeals would have to hear your proof and make a decision whether they would grant you a variance, and if so, would they grant it for five, six, whatever. That would be up to them based upon the information you give them, what they think is appropriate.

**Marisol Torrens:** That would be my office.

**Garry Silver:** And then once you went there, if they granted you a variance for whatever number of units, then you'd come back to the planning board, and then they would address questions like, is the parking appropriate and sufficient, things like that. But at this juncture, for what you're seeking, this board doesn't have the authority to grant what you're seeking.

**Edmilson F. De Lima:** That's new to me.

**Marisol Torrens:** So, basically, what you have to do is go to the other board, because since you don't have the necessary acres required for the 13 units, so you go to the Zoning Board, which

is a board like this, and you tell them, you bought this property, you want to do the 13 apartments, but the law only allows for 6, and you are looking for an area variance. If they don't have opposition, you only need three votes to say yes. And if three of the board member vote yes, they grant you permission to do more units, which are the 13, without the requirement for acres by the Village Code. Then you come here to this board, with their approval and you will present the application to the Planning Board, which is that you want to do the 13 apartments.

**Edmilson F. De Lima:** What about the architects? We hire architects and engineers, and they get everything approved.

**Garry Silver:** We can't do anything.

**Steve Green:** It's not approved.

**Garry Silver:** Nothing's approved.

**Garry Silver:** The point is, basically, you would need, well, now it's three, but two different approvals. Assuming you did need a variance, you need a Planning Board approval, and then Marisol would have to go through and make sure that what you're seeking complies with the building code in all respects, with respect to the structure, the size of the units, et cetera, et cetera.

**Edmilson F. De Lima:** That's after the approval.

**Garry Silver:** That's after the approval.

**Marisol Torrens:** After the approval.

**Garry Silver:** So, she wouldn't grant any building permits or certificate of occupancy unless you had the appropriate approvals from the right boards.

**Edmilson F. De Lima:** I understand. Can you guys give me the information to go this amount?

**Marisol Torrens:** That is me, I will provide you with all the information and guide you with the process for the Zoning Board of Appeals.

**Edmilson F. De Lima:** Okay.

**Marisol Torrens:** Come tomorrow to my office tomorrow, please let me know at what time you will come tomorrow for I could spare that time for you. You want to come to my office around 10:00 am.

**Edmilson F. De Lima:** Okay. All right. I understand. Thank you. Bye. Thank you very much.

**2. YISANIS BAKERY 108.-12-1.1 - SBL: 108.-12-1.1- Zone: Commercial - Location: 41N. Main St.**

**Steve Green:** Next on the list is Yisani's Bakery.

**Marisol Torrens:** ¿Tú hablas inglés? Do you speak English?

**Rodrigo Sanchez:** No

**Marisol Torrens:** Okay. What is your name? Rodrigo Sanchez. All right. So, he doesn't speak English. So, this is Rodrigo Sanchez. He rented a retail space at 41 North Main St., this place used to be a cannabis store. He wants to do a bakery. His application is for a change of use. This location will be remodel to be efficient to run a bakery.

**Garry Silver:** So, did you discuss with him the email, just the technical things, the addresses? Apparently, 45 North Main Street.

**Marisol Torrens:** Okay. I did send you an email on that. Basically, this is one building. They have different units. So, it goes from 45 to 41; the space that he's renting is 41.

**Garry Silver:** Okay. Not according to the county? The county says 45-41.

**Marisol Torrens:** So, the county says 45-41. That is the 911 address and the lease states 41. I got it here.

**Garry Silver:** I have it right here. This is 108-12-1.1, 45 North Main Street.

**Marisol Torrens:** It's one building from 45 to 41.

**Garry Silver:** The county is not always right.

**Marisol Torrens:** Thank you for that.

**Garry Silver:** And then, just the size of the property.

**Marisol Torrens:** Oh, that was my mistake. I was looking for a property. I fixed that. I posted that.

**Garry Silver:** That's fine. Thank you for that. So, now, if they want to discuss things through you, so you can translate to the board, they can...

**Marisol Torrens:** So, basically, that's what they're seeking.

**Garry Silver:** Okay. And is there going to be no change to the size and building of the exterior? Unless they obviously put up a sign or something like that.

**Marisol Torrens:** I'll take care of that stuff. It's just a change of views because, again...

**Garry Silver:** The way the building is structured, are there any issues with the ovens, with ventilation or anything like that?

**Marisol Torrens:** That's the reason, because it was a cannabis store. They didn't cook there. Now, they're going to...

**Dara Williams:** They just sell it.

**Garry Silver:** It's not a problem because I don't know how they build it.

**Marisol Torrens:** So, that's the part of my job as a code officer. The main reason the applicant is here for the change of use of the retail space. reason. As a code official I take care of the structure, ventilation, etc.... .

**Garry Silver:** I just wanted to make sure that it's feasible to do it. I would hate for them to waste time and find out... As long as you don't feel it's going to be a problem, that's fine. I just don't want people to go through the whole process and find out you say there's no place to vent it.

**Marisol Torrens:** What do you think that I do?

**Steve Green:** So, it's 45, the one on the corner? Yes.

**Marisol Torrens:** It's a mixed-use building. So, apartment units on top and...

**Garry Silver:** It's a few doors down from the Chinese restaurant.

**Steve Green:** Chinese restaurant.

**Dara Williams:** Is that where the massage place was? Body Meats? There's like a barbershop. And then next door?

**Garry Silver:** There's Garden Jane, there's a couple stores, and it's there.

**Steve Green:** It's the red building across from Family Dollar.

**Dara Williams:** Yeah, there's a barbershop on the corner.

**Steve Green:** Because 45 puts me at the International Orchard. I was picking up the wrong address.

**Garry Silver:** The county on Image Made Online says it's 45, whatever. The point is the tax back parcel is correct.

**Marisol Torrens:** Yep.

**Garry Silver:** Okay, do you guys have any questions for them?

**Dara Williams:** Is there an application that we're supposed to see? Or a potential plan or anything? There's no parking.

**Garry Silver:** There's an application, we have the application, but it's just a change of...

**Dara Williams:** Okay.

**Garry Silver:** And the appropriate person is on the owner's authorization.

**Dara Williams:** Yeah, okay.

**Steve Green:** I guess they have to deal with the health department

**Marisol Torrens:** Yeah, that's on them.

**Maurene Stabak:** how many days they will be open?

**Marisol Torrens:** The village don't have no restriction how many days you're going to be... You could be open 24-7.

**Dara Williams:** Change of views is fun.

**Garry Silver:** We want to entertain a motion to declare yourself lead agency.

**Steve Green:** Can we get a motion for lead agency?

**Maureen Stabak:** I'll make a motion.

**Stacy Feasel:** I'll second.

**Steve Green:** All in favors?

**Board Members:** Aye.

**Garry Silver:** And just to be clear, can you also entertain a motion to deem this an unlisted action?

**Steve Green:** Yes, can we get a motion for deemed to be unlisted action?

**Dara Williams:** I will make the motion.

**Stacy Feasel:** I'll second.

**Steve Green:** All in favors?

**Board Members:** Aye.

**Garry Silver:** So, if there's nothing else, I guess you just need to schedule a public hearing. And I'm sure Marisol helped him with getting the notices out to neighbors. So, it's going to be November 13<sup>th</sup>.

**Garry Silver:** I'll entertain a motion for public hearing on the 13th at 6.

**Dara Williams:** I'll make the motion to have a public hearing on the 13th at 6.

**Stacy Fesel:** I'll second.

**Steve Green:** All in favors?

**Board Members:** Aye.

**3. Lighthouse Ministries SBL: 129.-1-2.2/129.-1-3.1- Zone: Commercial - Location: 33 Triangle Rd.**

**Garry Silver:** Now we respect our lighthouse ministries.

**Steve Green:** Lighthouse ministries.

**Marisol Torrens:** So, like I say, I call them, but they didn't answer. But they're here.

**Garry Silver:** Okay. It's interesting, because what they're asking us here, we really... The planning board really has no jurisdiction over mergers.

**Steve Green:** That's good.

**Garry Silver:** But the county said, since you guys previously granted the subdivision, we just want you to, like, say you don't have a problem with this. Kind of like a comfort vote, in case for some reason we knew something. Oh, no, because...

**Marisol Torrens:** It was the previous owner. They didn't request the sub-division in the past.

**Garry Silver:** I mean, it's the parking lot to the church. When I spoke to the assessor, I spoke to the county. The only issue is, I think you know, because the parking lot now is technically still not tax-exempt. Right. You're going to have to make the application by March of next year, March 1st, to get it. Make sure you do it on time. And then that exemption will actually start as of, I think, the school. So that would be... September. So, then you'd be able to merge it.

**Richard Ienuso:** Yeah, we understand that.

**Garry Silver:** So, you might as well just have a quote-unquote vote.

**Marisol Torrens:** I don't have no violations, no issues there.

**Steve Green:** One more thing. If they merge it, if they go to unmerge it, it has to fall as a new...

**Garry Silver:** Oh, it has to be subdivided.

**Marisol Torrens:** And they have to come here.

**Garry Silver:** It's like anybody else, exactly.

**Garry Silver:** So, can someone entertain a motion that the planning board has no objection to the two parcels, 129-1-2.2 and 129-1-3.1 being combined into one tax parcel.

**Steve Green:** Can I get a motion for Gary's?

**Dara Williams:** I'll make a motion.

**Stacy Feasel:** I'll second.

**Steve Green:** All in favor?

**Board Members:** Aye. Aye.

**Garry Silver:** I hope this is the toughest meeting you've ever had.

**Richard Ienuso:** Appreciate it. So do we. Yeah, continue to proclaim liberty throughout the land.

**Garry Silver:** First of all, I said, why are we being asked to do this? And Marisol said, well, Sonny said this. I had spoken to both of them. I said, oh, now I understand. Everybody just being, you know, just trying to dot eyes and cross to you.

**Richard Ienuso:** Thank you.

**Marisol Torrens:** I will send you the letter. I'll call you when I have it ready, maybe next week. And that way you take that to them.

**Richard Ienuso:** So, we're stopping later next week?

**Marisol Torrens:** I'll call you.

**Richard Ienuso:** Okay

**Marisol Torrens:** You got it. Motion to close?

**Steve Green:** Nope.

**Garry Silver:** Nope.

**Steve Green:** There's some new business.

**Garry Silver:** Some things need some questions.

**Steve Green:** The building in the corner. That's the one we're talking about.

**Garry Silver:** Well, the green, the green building.

**Marisol Torrens:** That's not part of this.

**Garry Silver:** No, no, no, no.

**Marisol Torrens:** That's what I'm saying. Motion to close.

**Garry Silver:** Well, yes. It's not part of this. It's not part of the meeting.

It wouldn't be.

**Steve Green:** Can I get a motion to adjourn.

**Dara Williams:** Motion to adjourn

**Stacy Feasel:** Second.

**Steve Green:** All in favor

**Members:** aye. Aye.

**Garry Silver:** There you go.