

LIVINGSTON PLANNING BOARD

November 02 2016

DRAFT MINUTES

The regular monthly meeting of the Livingston Planning Board was held November 02 2016 and opened at 7:00 p.m. In attendance were Chairman Philip Schmidt, James McFarland, Bernie Stickles, John Ross, Chip Keil, Robert Bellinger and Stephen Thibeault.

Engineer Brandy Nelson
Attorney Theodore Hilscher.

Absent:
CEO Jay Trapp
Sal Cusumano

A motion to accept the minutes of the October 05 2016 meeting was made by Chip Keil and 2nd by John Ross.
All present voted AYE.

Correspondence: NONE.

Red Wing a Site Plan and Special Use Permit to mine at Route 19 in Zoning District LDR2. Property consists of 196 acres. Our zoning law allows only 14 acres to be mined. Postponed due to a moratorium on mining.

Ablen Amrod a Site Plan and Special Permit to be able to increase his busses to 25. An on-site inspection was done November 1, 2016 by Brandy Nelson and Jay Trapp. The current conditions were compared to the requirements of the resolution reached by the Town of Livingston Planning Board dated January 05, 2005. A copy is on file with the approved minutes.

The following resolution was adopted.

The application of Amrod Enterprises for site plan approval and special use permit related to commercial operations located at 1637 Blue Hill Road, Livingston, New York is approved, subject to the following conditions:

- a) The applicant shall be able to store, keep and maintain no more than 25 buses. This number includes buses which are operational, and a maximum of four non-operational buses, stored inside or stored out-of-doors. This is a change to the January 5, 2005 approval.

- b) A maximum of ten buses will be able to leave or enter the property in any one night. This is a change to the January 5, 2005 approval.
- c) All other conditions of the January 5, 2005 approval related to the same site remain in effect except that #2/13 are no longer applicable.
- d) All structures shall be inspected for compliance by the Town of Livingston Code Enforcement Officer. The approved site will be further subject to future twice-a-year inspections by the Code Enforcement Officer.
- e) Applicant shall maintain premises at all times in compliance with all NYS building and fire codes, and with the State Sanitary Code. Failure to comply may result in the Code Enforcement Officer directing the suspension of commercial operations until compliance is met.
- f) All fees owed to the Town of Livingston related to the expenses of the consultants hired by the Town of Livingston to review, research and make inspections and report on this application shall be paid in full prior to stamping plans or issuance of certificates of occupancy. Failure to make payment in full within 60 days of the date of approval shall render said approval null and void.
- g) By accepting plans stamped by Town of Livingston Planning Board chairman or building permit signed by the Town of Livingston Building Inspector, applicant agrees to comply with all conditions stated herein.

A violation or non-performance of any of these conditions may result in a revocation of this approval by the Planning Board. Violations of any conditions are to be considered violations of the Town of Livingston Zoning Law and shall be subject to prosecution in Livingston Town Court and/or Columbia County Supreme Court. The applicant shall pay the costs of all attorney fees and litigation expenses of the town in the event of a plea or a conviction in favor of Town.

A motion to adopt the resolution as written was made by James Mc Farland and 2nd by Robert Bellinger. All present voted AYE. Motion passed.

Brian and Lindsay Shea submitted an application to permit the use of their property for a commercial event venue. Now Tydeman Farm formally Apple Barn Farm located 564 County Route 10. A new site plan will be submitted showing that three buildings have been removed.

Public hearing opened at 7:02. Receive proof of notification of neighbors, \$500.00 escrow and CEO report.

No comments from the public or written correspondence was received.

Public hearing closed at 7:04.

Attorney Hilscher prepared the short form SEQRA. The Board answered NO to all questions.

A motion to declare a negative declaration was made by Bernie Stickles 2nd by Stephen Thibeault. All present voted AYE.

Resolution Approving Tydeman Farm

WHEREAS the Applicant Tydeman Farm has submitted an application dated September 15, 2016 for a special use permit permitting Commercial Events to take place in an area located at County Route 10, and

WHEREAS, a duly noticed public hearing has been held and public comments were heard and the applicant has submitted a SEQRA Short Form and

WHEREAS, an environmental review under the State Environmental Quality Review Act has been done by the Planning Board, and the Board found no potential for significant adverse environmental impacts related to application, and

WHEREAS, according to the proposed site plan filed by the applicant the minimum distance from the general event areas to every point on the property lines of adjacent parcels, hereafter "minimum distance," is at least 500 feet, except as follows:

The distance from that general event area is less than 500 feet from the Catholic Church and Cemetery. The Planning Board has reviewed the minimum distance language found at the Local Law #5 of 2013, and decided as follows: The purpose of said 500 feet minimum distance is to be respectful of the distance between the proposed event area and the residential neighbors and where the only neighbor within 500 feet is not a residence but a church and cemetery, and where the applicant will not be permitted to hold events during church service, it is not the intent of the law to consider said Church and Cemetery as an adjacent parcel owner so as to result in a dismissal of application, and

BE IT THEREFORE RESOLVED, the applicant shall be permitted to hold twelve (12) events because said minimum distance is deemed to be at least 500 feet, and

BE IT FURTHER RESOLVED that said approval is conditioned on the following:

- a) No vehicles associated with the event shall be permitted to be parked on public roadways. All vehicle parking shall be maintained "on site". "On Site" is defined as at least 100' within the property boundaries of the parcel on which the event is permitted.
- b) One parking space for every four persons attending the event shall be provided.
- c) There shall be no regulation of traffic other than by law enforcement on Town, County or State roads.
- d) **All activities associated with the use are to be included within the general event area, the only exception being the allowable parking as allowed.**
- e) Sources of amplified sound including but not limited to recorded music, live musical performances, spoken word shall commence no earlier than 10:00 AM and shall be terminated by 10:00 PM. All sources of amplified sound shall be contained wholly within an enclosed structure. Tents, pavilions and other open/non-enclosed structures shall not be considered

an acceptable location for the source of amplified sound as referenced in this code section.

- f) Fireworks, firecrackers and/or loud reports displays are not permitted.
- g) Light sources (constant or intermittent) shall not be permitted to exceed 0.5 foot candles at property lines.
- h) All temporary and permanent structures to be used for any proposed event shall be inspected for compliance by the Town of Livingston Code Enforcement Officer, prior to approval by the Planning Board.
- i) The approved site will be inspected by the Code Enforcement Officer prior to the first special event being held under this permit. The approved site will be further subject to annual inspections by the Code Enforcement Officer and additional inspections at the discretion of the Code Enforcement Officer. No events will be held without a certificate of occupancy.
- j) The applicant agrees that if overnight accommodations are provided to guests of the special event by the applicant, all overnight accommodations must comply with all applicable codes and laws, including the Town of Livingston Special Use Permit **requirements** for Hotels and Inns.
- k) Copies of all permits, licenses for entities handling/preparing food and entities distributing/selling alcoholic beverages (if applicable) shall be submitted to the town Code Enforcement Officer no less than fourteen (14) days prior to the scheduled event.
- l) In each year subsequent to the special permit approval, the applicant shall submit to the Code Enforcement Officer a schedule of events for the calendar year. Said submittal should be made not less than sixty (60) days prior to the first scheduled event. At that time the permit holder shall identify any changes that have been made to the venue site since prior events. Material changes as determined by the Code Enforcement Officer shall trigger the need to apply to the Town of Livingston Planning Board for a modified site plan approval. At that time the permit holder shall also pay the appropriate fee based on the proposed schedule of events. The applicant must revise said annual submittal in the event that an additional event is proposed, provided that the maximum number of events per year is not exceeded.
- m) Applicant shall maintain premises at all times in compliance with all NYS building and fire codes, and with the Columbia County Department of Health. Failure to comply may result in the Code Enforcement Officer directing the suspension of any or all special events until compliance is met.
- n) All fees owed to the Town of Livingston related to the expenses of the consultants hired by the Town of Livingston to review this application shall be paid in full prior to stamping of plans or issuance of certificates of occupancy.
- o) By accepting plans stamped by Town of Livingston Planning Board chairman or building permit signed by the Town of Livingston Building Inspector, applicant agrees to comply with all conditions.

- p) A violation or non-performance of any of these conditions may result in a revocation of this approval by the Planning Board. Violations of any conditions are to be considered violations of the Town of Livingston Zoning Law and shall be subject to prosecution in Livingston Town Court and/or Columbia County Supreme Court.

A motion to adopt the resolution as written was made by Robert Bellinger and 2nd by Chip Keil. All present voted AYE. Motion passed.

Paul Swedenburg and Nancy Gordon an application to allow the installation of a ground mount solar PV system. Property located 141 Station Hill Road. Oran Cook from Apex Solar Power gave a presentation on the project and submitted technical specifications. It will be on the North side yard end of a dead end road. 113 feet from the property line.

The public hearing opened at 7:10
Oran Cook represented the applicants.
Comments from the public:

1. Alton Mc Donald 5211 Route 9G a neighbor sited Local Law 2-2015 that Solar must be in the back yard. He would like the Board to follow this law
2. Entire structure must be in the rear.
3. Site is an architectural sensitive site.
4. Endangered animal area.
5. SEQRA form not attached to the application

No written correspondence received.

The applicant was advised to return to the December meeting with the following.

1. The short form SEQRA.
2. Submit a letter to the National Heritage.
3. \$500.00 escrow check.

The hearing will remain open for the December 07 2016 meeting.

Catherine Kellner a minor subdivision 2 acres from 60.06 acres. Property is located at 1406 County Route 31. Fee paid a public hearing will be held December 07 2016 at 7:02. To be advertised.

There being no further business before the Board a motion to adjourn was made by Chip Keil 2nd by John Ross. All present voted AYE. Motion passed.

Next scheduled regular meeting will be held December 07, 2016. Meeting closed at 8:08 p.m.

Respectfully submitted,

Eileen Yandik
Secretary Livingston Planning Board



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November 02, 2016

ASSOCIATES

Brandee K. Nelson, PE, LEED (NY)

Andrew P. Aubin, PE, LEED (NY, VT)

Daniel J. Russell, LS

PRINCIPAL

David J. Crawford, PE (NY, MA, VT)

MEMORANDUM

To: Phil Schmidt, Town of Livingston Planning Board Chairman & Members,
Ted Hilscher

From: Patrick Daly

CC: Brandee Nelson, PE; Jay Trapp, CEO

Re: **Amrod Bus Garage**
C&A# HA101.36

Date: 4/13/2016

Revised: 7/5/2016

Revised 11/2/2016

A site visit was conducted at the above representative site and this memo will serve to describe the current property conditions and operations as of 4/13/2016. A follow up field visit was conducted on 6/30/2016 by Brandee Nelson and Jay Trapp. An additional follow up visit was conducted on 11/1/2016 by Brandee Nelson and Jay Trapp. The current conditions will be compared to the requirements of the resolution reached by the Town of Livingston Planning Board dated January 5, 2005 in regards to Amrod Enterprises, LLC special permit and site plan application. The site representative is responsible for examining the site plan against the requirements stated in Article VI (Administration and Enforcement) of the Town of Livingston zoning book in regards to special use permits (6.6) and site plan review (6.7). The comments in red indicate those generated from the 11/1/2016 visit.

1. The business hours of operation for the motor coach business shall be 8 am. To 7 p.m., Monday through Saturday. The business will operate at night and on Sunday but such operation will be limited to buses leaving and entering onto the property. No more than two buses a night will leave or enter onto the property. On Sunday, no more than three buses will leave or enter onto the property.
 - *This matter needs to be further discussed with property owner, considering the desire to increase the coach inventory quantities.*
 - No further discussion at the 6/30/2016 visit.
 - No discussion of the hours of operation was conducted
2. The business hours of operation for the real estate business shall be 9 a.m. to 5 p.m., Monday Through Saturday.
 - *The real estate business is no longer located on the property.*

- *This condition has not changed*
3. That the property shall have no more than three (3) Licensed, registered, inspected and insured buses present to be utilized as rental vehicles.
 - *The property owner would like to request to have up to twenty five (25) buses on the property to be utilized as rental vehicles.*
 - *Currently there are 12-15 licensed buses located on the property.*
 - *As of the 6/30/2016 field visit 19 licensed buses were present.*
 - *As of the 11/1/2016 field visit 22 licensed buses were parked outside.*
 4. That the property shall have no more than four (4) additional buses for repair, renovation or service and between the hours of 7 p.m. to 8 a.m. said buses will be under cover in the garages upon the site.
 - *The garage is currently being used for maintenance only. All buses are located in the yard*
 - *There are currently more than 6 nonfunctional buses located on the property and an unknown number of cars in various stages of disrepair.*
 - *At the 6/30/2016 1 bus was located in the garage, and 2 buses were unlicensed/non-functional.*
 - *At the 11/1/2016 field visit there were 2 buses were in the garage*
 5. The Site shall be maintained by mowing; no less than two times per year, exclusive of sloped area, inclusive of the area rear of the pond toward Route 9, as indicated by sketch upon the site plan.
 - *The site is currently being maintained by mowing as required.*
 - *At the most recent visit, evidence of mowing was observed.*
 - *At the most recent site visit, the grass had been mowed*
 6. That on or before June 1, 2005 the site is to free from any junk, trash and debris. No additional buses or motor vehicles, in full or in part, as frames or carcasses may be stored upon the property.
 - *There is a great deal of debris, wood, tires etc... on site.(see photo # 3, 5, 7, 9, 13)*
 - *Amount of debris was significantly reduced. Owner stated that the remaining materials on site are surplus for repairs, etc.*
 - *No disassembled buses or carcasses were observed on site*
 7. No trailers or materials of any kind are to be stored upon the property, except undercover of a building or structure.
 - *Trailers, various building materials, tires & other rubbish are currently located on the property (see photos #3, 5, 7, 9, 13).*
 - *Surplus materials (per owner) were not entirely under cover (see photos #2, 4, 10, 14) from 6/30/2016 visit.*
 - *Some remaining building materials (stored uncovered) were noticed. (see photo #17, 18)*

- Three areas of uncovered tire storage were observed. (see photos #19,20, 21)
8. Any and all trash or debris must be located and enclosed in proper receptacles to protect and promote the public health, safety and welfare.
- Multiple vehicles, parts, building materials, tires & rubbish are located throughout the property. (see photos 3, 5, 7, 9, 13)
 - 2 dumpsters are currently located on the property.
 - A holding tank for septic from buses is located on the property.
 - Rubbish had been significantly improved by the 6/30/2016 inspection. Remaining materials are surplus. Dumpster and recycling are in use. Septic tank records have been requested but not yet received.
 - The dumpsters were relocated (from proposed map location), but the debris was contained.
9. That the property shall have any and all site improvements for property access as stated and required by the Columbia County Department of Public Works. These improvements will be completed within six (6) months after the Planning Board adopts the resolution.
- Original site improvements were completed as required, but since the Planning Board resolution site use has increased.
 - There are currently three (3) accessory apartments, a repair shop (for buses), and a charter bus service yard located on the property.
 - Per discussion with Ike Amrod, there are two (2) accessory apartments, one single family residence, with a large attached 2 story storage structure to the north of the residence), 1 dedicated office (adjacent to the garage), the bus repair shop and the charter bus service yard.(see photo #22, 23, 24)
10. That at no time should any noxious fumes or odors be detectable at the property lines of the parcel.
- No noxious fumes or odors were found at property lines of the parcel
 - No change observed at 6/30/2016 inspection.
 - No change observed at 11/1/2016 inspection.
11. Any Pumps or other dispensing devices, except air pumps shall be located not less than fifty (50) feet from any property line.
- Complying
 - Complying
 - A concrete secondary containment structure was installed at the existing tank. The owner was advised that a cover / roof should be installed to prevent rainwater from collecting in the containment tank. This water is considered to be contaminated and complaint disposal is required. (see photo #25)

12. All motor fuel, oil or similar materials or substances shall be stored not less than twenty-five (25) feet from any property line.
 - *Complying*
 - *Complying*
 - *Complying 11/1/2016*

13. That parking for the real estate business be separately designated and signed so as to prevent any potential pedestrian vehicle conflicts.
 - *The real estate business is no longer located on the property.*
 - *The real estate business in not located on site*

14. That parking for the motor coach business be separately designated and signed so as to prevent any potential pedestrian vehicle conflicts.
 - *No organized parking currently on the site. Applicant needs designated employee and bus parking with the proper signage. (see photo # 1 & 10)*
 - *Owner had vehicle parking on West and South portion of site, and bus parking was primarily on East portion of site.*
 - *A revised site / parking plan was received 10/11/2016, no revision date was included*

15. The applicant has expressly consented to the inspection of the premises during business hours by the Town of Livingston Building Inspector/Zoning Enforcement Officer to ensure compliance with any and all conditions
 - *The property owner has agreed for this to continue.*
 - *This was not discussed at the 11/1/2016 site visit*

The following photos document the field visit by Mr. Trapp and Ms. Nelson on 4/13/2016 and on 6/30/2016. Additional photos from 6/30/2016 are also provided for the Board's reference.

The photos taken for the 11/1/2016 site visit were taken by Jay Trapp.

April 13, 2016 Photos

1. North side of Bus Parking



June 30, 2016 Photos

2. Improved with gravel



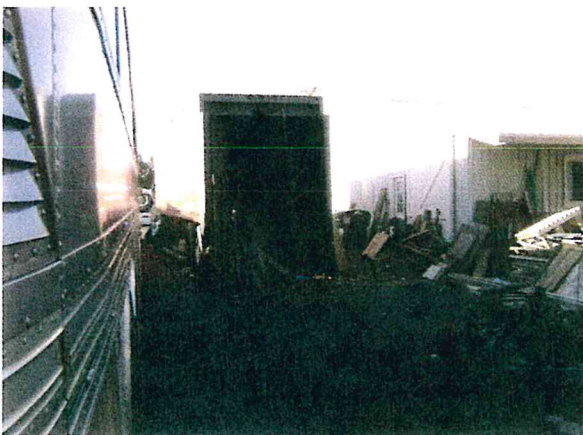
3. Site debris



4. Site debris - improved



5. Site debris



6. Site debris - improved



7. Licensed buses and site debris



8. Improved



9. Site debris



10. Improved



11. Bus dump station holding tank



12. Cleaned up and capped



13. New berm and site grading



14. Improved, surfaced with stone



15. Licensed buses



16. Licensed buses on site at inspection



November 1, 2016 Photos

17. Uncovered materials storage



18. Materials stored between buses



19. Tires stored in a trailer (in the distance)



20. Tires stored, north of garage



21. Tires stored, west of garage



22. Single family residence



23. Rear apartment



24. Front apartment



25. Secondary containment



26. Improved pump out structure

