

## LIVINGSTON PLANNING BOARD

November 04, 2020

The regular meeting of the Livingston Planning Board was held November 04 2020 and opened at 7:00.

In attendance were Chairman Phil Schmidt, Robert Bellinger, John Ross, Chip Keil, Bernie Stickles, Martin Nayowith and Brian Molinski.

Engineer Michelle Mormile.

Attorney Ted Hilscher.

Absent: Stephen Thibault

Correspondence: NONE.

A motion to accept the minutes of the October 07 2020 meeting was made by Bernie Stickles and 2<sup>nd</sup> by Chip Keil. All voted AYE. Motion passed unanimously.

Rob Panssci, Esq. appeared on behalf of Global Partners Corporation. Global received site plan approval for development of Routes 23 and 9H intersection for a convenience store and gas station. An Article 78 action was filed against the town and the applicant by a neighbor. This action has been settled by the applicant and the neighbor, based on modifications to the site plan. Height of building will remain 25 feet.

Motion to approve modified site plan was made by Robert Bellinger and 2<sup>nd</sup> by John Ross. All present voted AYE. Motion passed.

Deborah D'Arcy a Special Use Permit application build a chicken coop and have chickens at 20 Water Street Road. A letter of denial was received from CEO Harkins denying the building permit. Zoning Law Article 3.2 Schedule of Permitted Uses. Agricultural including animals requires a Special Use Permit in the HDR-2 zone.

Public hearing opened at 7:08 Receipts were received from notification of neighbors. No comments from the public or written correspondence were received. Hearing closed at 7:08. Fee paid.

The Board discussed this application and recommended the following conditions.

1. No roosters.
2. Limit of 15 birds.
3. No butchering on premises.
4. Kept in a fenced area.

Attorney Ted Hilscher completed the Short Form EAFA motion to approve the EAF with a negative declaration was made by Martin Nayowith and 2<sup>n</sup> by Brian Molinski. All voted AYE. Motion passed.

A motion to approve the Special Use Permit with the condition of the following approvals, No rosters, only 15 birds ,no butchering on the premises and kept in a fenced in area was made by Robert Bellinger and Chip Keil. All present voted AYE. Motion passed.

Alejandro Vincenti and Gloria Valdez a Special Use Application to a chicken coop and have chickens 41 Keil Court. . A letter of denial was received from CEO Harkins denying the building permit. Zoning Law Article 3.2 Schedule of Permitted Uses. Agricultural including animals requires a Special Use Permit in the HDR-2 zone.

Public Hearing opened at 7:20. Receipts were received from notification of neighbors. No comments from the public or written correspondence were received. Hearing closed at 7:21. Fee paid.

The Board discussed this application and recommended the following conditions.

1. No roosters.
2. Limit of 10 birds.
3. No butchering on premises.
4. Kept in a fenced area.

Attorney Ted Hilscher completed the Short Form EAF motion to approve the EAF with a negative declaration was made by John Ross and 2<sup>n</sup> by Bernie Stickles. All voted AYE. Motion passed.

A motion to approve the Special Use Permit with the condition of the following approvals, No rosters, only 10 birds ,no butchering on the premises and kept in a

fenced in area at least with a 30 foot set back was made by John Ross and Robert Bellinger. All present voted AYE. Motion passed.

Planning Board Engineer Michelle Mormile will be recusing herself as her firm Crawford Associates will be representing ELP Livingston Solar. Attorney Hilscher will assign another Engineer to represent the Planning Board.

ELP Livingston Solar LLC. A community solar photovoltaic facility on 3289 Route 9. Submitted a Special Use Application, Site Plan Approval Application and a Subdivision Application. EPL Livingston Solar is leasing a portion of 151.-1-4.200 from Gcard LLC (David Birch) requesting a minor subdivision of the solar projects lease area.

Wendy De Wolf and Evan Young gave a presentation on the project.

The Public Hearing opened at 7:30. Notification to neighbors were received.

Neighbors commented: Concerned about property values.

1. Impact on wild life, deer and birds.
2. Will the area be mowed several times a year?
3. Concerned about noise. It will be relatively quiet.
4. 20 year project. What happens when you leave?
5. Size. 8x10 3 feet apart.
6. Any other of the same size built in the area? Yes Hudson Route 9 former Kaz
7. Is all the property being used? No will be subdivided.
8. Property consists of 63 acres.
9. Per zoning a 200 foot set back.
10. Old route 9 road legally abandoned.
11. Entrance will be screened.
12. Neighbors are concerned about the view.
13. Local residents can sign up first.
14. Neighbors if approved will conditions be built in for proper landscape screening.

Hearing closed at 7:49. Applicant to return in December. Wendy will meet with neighbors to discuss what screening can be done.

Approved at the October 4 2020 meeting

Lot line Adjustment application for Paul Ljutich and Adam Steeneck. Property located 35 Black Bridge Road and County Route 8 to construct a driveway entrance.

Lot #1 182.00-01-39 9.91 acres -0.10 acres making 9.81 acres.

Lot #2 182.00-01-34 9.58 acres + .10 making 9.68 acres. The Board reviewed the application.

A motion to accept the Boundary Line application as presented was made by Martin Nayowith and 2<sup>nd</sup> by Stephen Thibault. All voted Aye Motion passed.

There being no further business a motion to adjourn was made by Martin Nayowith and 2<sup>nd</sup> by Robert Bellinger.

All present voted AYE. Motion carried.

Joyce Collier Subdivision application deferred to December for required for paperwork.

A motion to close the meeting was made by Bob Bellinger and 2<sup>nd</sup> by John Ross. All present voted AYE. Motion passed.

Next scheduled meeting will be held December 02, 2020 at 7:00.P M.

Meeting closed at 8:07

Respectfully submitted,

Eileen Yandik  
Secretary Livingston Planning Board.