

LIVINGSTON PLANNING BOARD

August 02, 2023

The regular meeting of the Livingston Planning Board was held 02 Aug 2023 and opened at 7:00pm with the Pledge of Allegiance.

In attendance:

Chairman Martin Nayowith

Stephen Thibeault

Robert Bellinger

Chip Keil

Rebecca Harclerod

Attorney Andy Howard

Michelle Mormile of Crawford & Associates

Absent:

Brian Molinski

John Ross

Bernie Stickle

A motion to accept the minutes of the 05 Jul 2023 meeting was made by Stephen Thibeault and 2nd by Chip Keil. All in favor.

Correspondence: None

Moment of silence to honor resident of Livingston Marty Schroeder. Some kind words said by Chip Keil.

Motion to resume public hearing for APPL-12, a 4 Lot Subdivision application for Black Bridge LLC was made by Robert Bellinger, 2nd by Stephen Thibeault. All in favor. Motion approved.

Public hearing begins for at 7:04pm and Mr Ihlenburg presented his map and discussed the proposed subdivision application to construct an access road. Black Bridge Road. 182.00-1-18. Maintenance agreement was file and road is up to town specs. No questions from the public.

Motion to close the public hearing by Stephen Thibeault, 2nd by Rebecca Harclerod. All in favor. Motion approved and public hearing closed 7:08pm.

Attorney Howard read the SEAF part 2. All answers are No or Small Impact. Motion to issue negative declaration by Chip Keil, 2nd by Rebecca Harclerod. All in favor. Motion approved.

Attorney read resolution.

[Black Bridge LLC Resolution](#)

Motion to accept resolution by Stephen Thibeault, 2nd by Robert Bellinger. All in favor. Motion approved at 7:12pm.

Vote as follows:	
Martin Nayowith	Aye
Brian Molinski	Absent
Stephen Thibeault	Aye
John Ross	Absent
Chip Keil	Aye
Robert Bellinger	Aye
Rebecca Harcleroad	Aye
Bernie Stickles	Absent

Motion to open public hearing for APPL-21 a site plan approval SunCommon and James LaForce, at 7:14pm by Robert Bellinger, 2nd by Stephen Thibeault.

Grayson Ball presented his application (filling in for Emily Woerthman) for single family residence with ground mounted solar for personal consumption. 64 Sparrow Bush Road. 170.-1-2.2 Provided notification receipts to planning board. Questions were answered. Questions about why the panels are not going to be in back yard. Code states that panels have to be in back yard, and can only be in side yard if not adequate sunlight. Panels are within setback guidelines. Reviewing layout. A variance would be required to put in front yard.

Motion to adjourn the public hearing by Robert Bellinger, 2nd by Chip Keil. All in favor, motion approved.

Applicant will consult the homeowner about moving the panel or apply for a variance. Applicant will plan to return at the September planning board meeting with updates.

Motion to open public hearing for APPL-22 a subdivision application for. Vern Bergelin and Mary Ellen Ross at 7:29pm by Robert Bellinger, 2nd by Chip Keil. All in favor, motion approved.

Phil Massaro presented the application for a subdivision by owner Mr Bergelin, to create 2 parcels. 20 County Route 10 Hudson, NY 12534 (Town of Livingston). 160.00-01-04.1 No questions from the public.

Motion to close the public hearing at 19:30 by Robert Bellinger, 2nd by Stephen Thibeault. All in favor, motion approved and public hearing is closed.

Attorney Howard read SEAF part 2. All answers are no or small impact.

Motion to issue a negative declaration by Stephen Thibeault, 2nd by Rebecca Harcleroad. All in favor, motion approved.

Attorney read resolution.

[Bergelin/Ross Resolution](#)

Motion to accept resolution by Stephen Thibeault, 2nd by Chip Keil. All in favor. Motion approved at 7:35pm.

Vote as follows:	
Martin Nayowith	Aye
Brian Molinski	Absent
Stephen Thibeault	Aye
John Ross	Absent
Chip Keil	Aye
Robert Bellinger	Aye
Rebecca Harcleroad	Aye
Bernie Stickles	Absent

Motion to open public hearing for APPL-23 a subdivision application for Paul Czajka, by Robert Bellinger, 2nd by Rebecca Harcleroad at 7:35pm. All in favor, motion approved.

Phil Massaro presented a subdivision application for Paul Czajka, subdividing 4.012ac. in two parcels of 2.006 acres& 2.066 Acres. Deer Haven Road. 171.00-01-39.11 Question from the public by Mike Martel. He shares easements with Mr Czajka. Wants to know if he will have to cross over 2 properties now or just 1. There will no change in the easements, since it's subject to the land, regardless if it's subdivided. Nothing will change.

Motion to close the public hearing by Stephen Thibeault, 2nd by Rebecca Harcleroad. All in favor, motion approved and public hearing closed at 7:41pm.

Attorney Howard read SEAF part 2. All answered were no or small impact.

Motion to accept negative declaration by Robert Bellinger, 2nd by Chip Keil. All in favor, motion approved.

Attorney read resolution.

Czajka Resolution

Motion to accept resolution by Stephen Thibeault, 2nd by Chip Keil. All in favor. Motion approved at 7:44pm.

Vote as follows:	
Martin Nayowith	Aye
Brian Molinski	Absent
Stephen Thibeault	Aye
John Ross	Absent
Chip Keil	Aye
Robert Bellinger	Aye
Rebecca Harcleroad	Aye
Bernie Stickles	Absent

Motion to open public hearing for APPL-24, a site plan approval by Robert Bellinger, 2nd by Rebecca Harcleroad. All in favor, motion approved at 7:47pm.

Robert Baerga from Hudson River Solar, presented his solar application for Mr Webber. Questions were asked and answered.

Motion to close the public hearing by Stephen Thibeault, 2nd by Robert Bellinger. All in favor, motion approved at 8:01pm.

Attorney Howard read SEAF part 2. All answers are no or small impact.

Motion to accept negative declaration by Stephen Thibeault, 2nd by Rebecca Harcleroad. All in favor, motion approved.

Attorney read resolution.

Webber Resolution

Motion to accept resolution by Robert Bellinger, 2nd by Stephen Thibeault. All in favor. Motion approved at 8:05pm.

Vote as follows:	
Martin Nayowith	Aye
Brian Molinski	Absent
Stephen Thibeault	Aye
John Ross	Absent
Chip Keil	Aye
Robert Bellinger	Aye
Rebecca Harclerod	Aye
Bernie Stickles	Absent

Motion to open public hearing for APPL-25 a site plan approval by Stephen Thibeault, 2nd by Robert Bellinger. All in favor, motion approved at 8:07pm.

Eric Maskell presented his application to install one pole mounted solar tracker 24 panels on one pole, plum electric to house underground for grid tie. 786 Church Road. 161.-1-63.11 Questions from the public were answered. Concern about the location, since the panels would be considered to be in the front yard.

Attorney Howard suggests moving the panels or seeking a variance. Need an updated map showing all buildings.

Motion to adjourn the public hearing by Robert Bellinger, 2nd by Stephen Thibeault. All in favor, motion approved.

Mr Amrod presented his updates to the planning board regarding for APPL-15, a site plan approval 1637 Blue Hill Road. Rebuild a bus garage and 2 residential apartments.

Changing apartment size to be an accessory apartment, 1 apartment w/ 2 bedrooms. Because he can't have 2 businesses on 1 site, he's scaling it down to 1 business. Escrow needs to be provided. Mr Amrod said he would provide escrow check and acknowledged he was notified about 2 weeks ago.

Intended use for apartments is for the drivers of the bus business. Question about proper setback. Mr Amrod said he would make sure it is 44'. Mr Amrod acknowledged he received letters from

Attorney and Fire Chief. New maps, that show the breakdown of size of the office and size of apartment.

Mr Amrod will return in September with follow up to board questions and response to Fire Chief letter.

Mr Lucas presented his updates for APPL-19, a special use permit application at US 9 and Orchard Road. Construction of a small warehouse with adjoin office. A distribution facility to operate 24-7.

In discussion with DOT and Livingston Highway for exit plan onto Route 9. 2 parcels to be merged. They would like 24/7 use. If 24/7 use is not allowed, then the rest of the site plan is irrelevant. Described the use of the property with deliveries by a large tractor trailer and then smaller box trucks delivering to local stores.

Mr Lucas will return at September meeting to address site plan concerns.

Marie Welch presented APPL-27, a 2 lot subdivision application for GLT farms to create 2 parcels at 1232 County Route 31 Germantown, NY 12526 (Town of Livingston) 160.-1-45

Owner would like to put up a guest house on the property. Creating a 7.793 acre parcel. Located at intersection of Wire Road and Cty Route 31.

Motion to approve for public hearing and application deemed complete by Robert Bellinger, 2nd by Stephen Thibeault. All in favor, motion approved.

Applicant will return 06 Sep 2023 for public hearing and notify abutting neighbors.

Mr Birch presented APPL-28, a subdivision application to create 4 parcels at Rt 9 and Orchard Road 151-1-4.4

Question about whether property was subdivided previously. The answer is yes. This is considered a major subdivision, since it has been subdivided previously and which results in 5 or more lots. Need to go to DOT to get approved access.

Applicant will come back with new presentation and determine the number of lots (minor or major) on 06 Sep 2023

There being no further business, a motion to adjourn was made by Robert Bellinger, 2nd by Stephen Thibeault. All present voted AYE. Motion passed. Next scheduled meeting will be held 06 Sep 2023

Meeting closed at 9:18pm.

Respectfully submitted,

Eileen Yandik
Secretary Livingston Planning Board