

LIVINGSTON PLANNING BOARD

July 05 2023

The regular meeting of the Livingston Planning Board was held 05 Jul 2023 and opened at 7:00 with the Pledge of Allegiance.

In attendance:

Chairman Martin Nayowith

John Ross

Stephen Thibeault

Bernie Stickles

Robert Bellinger

Chip Keil

Rebecca Harcleroad

Attorney Andrew Howard

Ryan Loucks of Crawford & Associates

Absent:

Brian Molinski

A motion to accept the minutes of the June 07, 2023 meeting was made by Bernie Stickles and 2nd by Stephen Thibeault. All in favor.

Correspondence: Email related to public hearing for APPL-12 Subdivision

A motion to open the hearing for APPL-12, a 4 Lot Subdivision application for Black Bridge LLC was made by John Ross and 2nd by Bob Bellinger. All in favor.

7:02 the Public Hearing opened for Black Bridge LLC and Robert Ihlenburg presented his application for 20 acre subdivision into 4 lots. The Board reviewed the application and comments were heard from the public. Letters were sent out on 6/27, per the record. It has only been 8 days. Attorney Howard suggested that the Planning Board could leave the hearing open.

A motion to suspend the hearing at 7:22 was made by Chip Keil and 2nd by Stephen Thibeault. All in favor.

Robert Ihlenburg will return to complete the public hearing on August 2, 2023.

A motion to open the public hearing for APPL-17, a Site Plan Approval for Suarez Brewery was made by Bob Bellinger and 2nd by Chip Keil. All in favor.

7:25 the Public hearing opened for Taylor Cocalis of Suarez Brewery for site plan approval to relocate their Suarez Family Tasting Room 2278 Route 9 and re-use of existing storage garage into a tasting room. The Board reviewed the application and comments were heard from the public.

A motion to close the hearing was made by Chip Keil and 2nd by John Ross. All in favor.

The public hearing closed at 7:36.

Attorney Howard read the 11 questions found at Section 2 of the SEQRA short form. The answer to each question being no. At 7:44, a motion for a negative declaration was made by Bernie Stickles and 2nd by Stephen Thibeault. All in favor.

Attorney Howard prepared the following Resolution:

[Suarez Family Brewery Resolution](#)

A motion to accept the Suarez Brewery Resolution was made by Stephen Thibeault and 2nd by Bob Bellinger. All in favor.

Amrod Enterprises LLC.

Mr Amrod presented his updates for APPL-15, a Site Plan approval 1637 Blue Hill Road, to rebuild a bus garage and 2 residential apartments. Question about distance between buildings.

Attorney Howard stated:

- Issue #1, looking at code, there shall not be more than 1 principle building on a lot, except if you are doing multi family dwellings. Minimum setbacks for this zone are 20'.
- Issue #2 have to consider the safety and welfare of those people on the property.

Accessory apartments are allowed, but cannot be multiple apartments and there are rules in Zoning that state the specifics when the apartments are not the principle use. Map is outdated and Mr Amrod will need to provide the latest to the application. Attorney Howard will provide the zoning code in writing and suggested to have Mr Amrods attorney review and come back for the August meeting. Mr Amrod requesting letter from Fire Chief on specific codes he needs to follow.

Applicant to return to the August 02 2023 meeting.

Wyatt Lucas (owner Ronald Messena) presented updates from last meeting regarding APPL-19, a Special Use Permit application for State Route 9 and Orchard Road. Construction of a small

warehouse with adjoin office. A distribution facility to operate 24-7. Addressed everything that he can at the time. Need to get sign off from Livingston Highway Superintendent. Told it was not built for that use and should submit to NYS DOT. Mr Lucas contacted NYS DOT and received all requirements. Need over 800' of site distance and don't think that is possible for a Route 9 entrance/exit. May also need a deceleration lane as well. Get specifics from Highway NYS DOT and Highway Superintendent to get further requirements for next meeting. Also work on special use items to address those prior to next meeting. Get those materials for the board and discuss options specifically around 24/7 use.

Applicant to return August 02 2023.

Mr and Mrs Decker presented their subdivision application APPL-18, to create 2 parcels at 34 Lynk Road 171-1-23. Received variance approval from ZBA in June. Here to request now their subdivision. Attorney Howard reads the SEAF Part2, where all answers were no or small impact. Motion to accept negative declaration at 20:29 by John Ross 1st, Bernie Stickles 2nd. All in favor, motion approved.

Motion to accept the application at 8:30 by Stephen Thibeault 1st, John Ross 2nd. All in favor, motion approved.

Emily Woerthman presented APPL-21, a site plan application for single family residence with ground mounted solar for personal consumption for James Laforce at 64 Sparrow Bush Road. 170.-1-2.2. Looking to install ground mounted solar array. Size of the system is 29.2 KWDC for personal use only. Homeowner would have preferred roof mounted, but barn is cedar shake roof and will not accommodate a roof mounted system. Motion to accept the application at 8:38 by John Ross 1st, Bernie Stickles 2nd. All in favor, motion approved. Applicant was instructed to notify abutting neighbors of the site plan and to return for public hearing on August 02, 2023.

Phil Massaro presented APPL-22, a subdivision application to create 2 parcels (5.404 and 4.705) at 920 County Route 10 Hudson, NY 12534 (Town of Livingston). 160.00-01-04.1. Wants to subdivide his location and sell one of the new lots (5.404 and 4.705 acres). Motion to accept the application at 20:40 by Stephen Thibeault 1st, Bob Bellinger 2nd. All in favor, motion approved. Applicant was instructed to notify abutting neighbors of the site plan and to return for public hearing on August 02, 2023.

Phil Massaro presented APPL-23, a subdivision for Mr Czajka subdividing 4.012ac. in two parcels of 2.006 acres & 2.066 Acres on Deer Haven Road. 171.00-01-39.11. Wants to subdivide his location, has a little over 4 acres and wants to subdivide into 2 lots (2.066 and 2.006). Motion

to accept the application at 8:51 by Chip Keil 1st, John Ross 2nd. All in favor, motion approved. Motion to schedule for public hearing 8:52 by Stephen Thibeault 1st, John Ross 2nd All in favor, motion approved. Applicant was instructed to notify abutting neighbors of the site plan and to return for public hearing on August 02, 2023.

Jim Goff from Hudson River Solar presented APPL-24, for Chuck Webber for a site plan application to install 17.28 kw 48 panel ground mount with battery backup at 61 Maple Lane. 170-2-6.122 Put in solar panels to power home and airplane hanger. Motion to accept the application at 8:59 by Stephen Thibeault 1st, Bernie Stickles 2nd. All in favor, motion approved. Applicant was instructed to notify abutting neighbors of the site plan and to return for public hearing on August 02, 2023.

Eric Maskell presented APPL-25, a site plan application for solar panels for Chie Hammons, to Install one pole mounted solar tracker 24 panels on one pole and plum electric to house underground for grid tie at 786 Church Road. 161.-1-63.11. 10.32 kwdc system being proposed, with battery backup. The panels rotates and tilt. Motion to accept the application at 9:03 by Bernie Stickles 1st, Chip Keil 2nd. All in favor, motion approved. Applicant was instructed to notify abutting neighbors of the site plan and to return for public hearing on August 02, 2023.

Don Webber presented APPL-26, a site plan application to replace old mobile home with new manufactured home at 452 Church Road. 161.1-1-59. Don is 1 of 5 siblings that own the property and has a lifetime lease to do this, which is stated in the lease. Connects with septic and water are already in place. Septic was put in about 30 years ago. Motion to accept the application at 9:07 by Stephen Thibeault 1st, Bob Bellinger 2nd. All in favor, motion approved.

Mark Steir of Vosburgh Brewing came to the board to discuss discrepancy CEO found in approved planning board minutes, related to business hours. Current hours Thu 12pm-8pm, Fri 12pm-8pm, Sat and Sun 12pm-6pm. Hours were changed during June 2016 meeting, that overrode the May 2015 resolution. Discussed the use of the kitchen and the cooking of bar food. Attorney Howard read through notes from Dec 2015. CEO advised Mark to move music inside, Mark has complied. Requesting hours to be returned back to what was approved in Dec 2015. Thu 12pm-8pm, Fri 12pm-10pm, Sat 12pm-10pm, Sun 12pm-6pm. Performed noise studies in the past and measured decibel levels with max of 40db- 65db, whereas NYC is normally 75db in comparison. Music is only from 2pm to 5pm. Mark would like to have music outside, but Attorney Howard said that would require a new special use permit and was welcome to submit an application. Motion to accept the revised hours of Thu 12pm-8pm, Fri 12pm-10pm, Sat 12pm-10pm, Sun 12pm-6pm. at 9:25 by Stephen Thibeault 1st, Bernie Stickles 2nd. All in favor, motion approved.

There being no further business a motion to adjourn the meeting was made by Stephen Thibeault 1st, John Ross 2nd. All present voted AYE. Motion passed. Next scheduled meeting will be held 02 Aug 2023

Meeting closed at 9:26.

Respectfully submitted,

Eileen Yandik
Secretary Livingston Planning Board.