

# LIVINGSTON PLANNING BOARD

**September 06 2023**

The regular meeting of the Livingston Planning Board was held 06 Sep 2023 and opened at 7:00pm with the Pledge of Allegiance.

In attendance:

Chairman Martin Nayowith

Stephen Thibeault

Robert Bellinger

Chip Keil

Brian Molinski

John Ross

Bernie Stickles

Rebecca Harcleroad

Attorney Andy Howard

Michelle Mormile of Crawford & Associates

Absent:

none

Correspondence: None

Motion to accept minutes from 02 Aug 2023 by Bernie Stickles, 2nd by Chip Keil. All in favor.  
Motion approved.

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Motion to resume public hearing for APPL-21, a site plan application, was made by Bob Bellinger, 2nd by John Ross. All in favor. Motion approved.

Public hearing resumes 7:02pm and Emily Woerthman returned to present her application for single family residence with ground mounted solar for personal consumption. 64 Sparrow Bush Road. 170.-1-2.2 Questions were asked and answered.

Motion to close the public hearing was made by Stephen Thibeault, 2nd by Brian Molinski. All in favor. Motion approved. Public hearing closed at 7:06pm.

Attorney Howard read SEAF Part 2. All answers were no or small impact. Motion to issue negative declaration was made by Chip Keil, 2nd by John Ross. All in favor. Motion approved.

Attorney read resolution.

[Laforce Resolution](#)

Motion to accept resolution was made by Bernie Stickles, 2nd by Stephen Thibeault. All in favor. Motion approved at 7:10pm.

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Motion to resume public hearing for APPL-25, a site plan application, was made by Robert Bellinger, 2nd by John Ross. All in favor. Motion approved.

Public hearing resumes at 7:12pm and Eric Maskell returned to present 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 Described the location of the solar array. Proposing that they place them on a side yard, as solar won't be sufficient in the back yard. Questions were asked and answered. Applicant is changing number of solar panels, from 1 to 2. After further review of the site plan, it's been determined that the placement is actually considered the front yard, not side or rear.

Motion to close the public hearing was made by Stephen Thibeault, 2nd by Bernie Stickles. All in favor. Motion approved. Public hearing closed at 7:21pm.

Discussion occurred. According to section 4.39.B.4 of the Livingston Town Zoning Book "All such Systems in residential districts shall be installed in the rear yards. If the solar panels are unable to be placed in the rear yard because of a poor angle to the sun, as demonstrated by competent evidence, the panels may be placed on a side yard."

Since panels cannot be put in the rear, planning board had denied this application and advised the applicant to go to a Zoning Board for a variance request if the applicant wishes to continue on with this project.

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Motion to open public hearing for APPL-27, a two lot subdivision, was made by Brian Molinski, 2nd by Stephen Thibeault. All in favor. Motion approved.

Public hearing opened at 7:24pm. Marie Welch presented her application for subdivision of GLT Farms to create 2 parcels at 1232 County Route 31 Germantown, NY 12526 (Town of Livingston) 160.-1-45. Single family, residential use (guest house) is planned to be put on the new lot. Questions were asked and answered. Curb cut to the property yet? No, have not been to the highway department. Need curb cut before can proceed.

Motion to close the public hearing was made by Chip Keil, 2nd by Robert Bellinger. All in favor. Motion approved. Public hearing closed at 7:29pm.

Attorney Howard read SEAF part 2. All answers were no or small impact. Motion to issue negative declaration was made by Bernie Stickles, 2nd by Stephen Thibeault. All in favor. Motion approved.

Attorney read resolution. Condition added to the resolution for "receipt of curb cut approval" from Town Highway Superintendent to be provided. Once approval from Highway, PB chair will sign and stamp maps.

#### [GLT Farms LLC Resolution](#)

Motion to accept resolution was made by Stephen Thibeault , 2nd by Bernie Stickles. All in favor. Motion approved at 7:34pm.

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Mr Amrod returned to present his updated site plan for application APPL-15 at 1637 Blue Hill Road, to rebuild a bus garage and 2 residential apartments. Added square footage for apartment unit and offices. Comment on response to FC letter. Reduced down to 1 residential unit, not 2 as originally applied for. Need to see response to letter from FC. It was sent to Attorney Howard. Letter was received today 06 Sep 2023 at 10:54am. Letter was attached to application during the planning board meeting. Concern about parking, since land is impermeable. He will update site plan to reflect new parking lot material. Discussion about removing the accessory apartment from the application and proceeding forward with just the garage. Applicant will provide updated site plan map, 15 days prior to next meeting 04 Oct 2023.

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Mr Lucas did not appear to present any 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.

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Mr Birch did not appear to present any updates for his subdivision application to create 3 parcels at Rt 9 and Orchard Road 151-1-4.4

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There being no further business a motion to adjourn was made by John Ross, 2nd by Chip Keil. All present voted AYE. Motion passed. Next scheduled meeting will be held 04 Oct 2023

Meeting closed at 7:58pm.

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At 7:59pm questions to the planning board by a prior applicant named John Hardy regarding property he is going to purchase (old Xtramart), regarding spill cleanup. Planning Board Chair and Attorney Howard advised him to contact DEC as they are the final authority.

Just after 8:00pm Mr Birch (APPL-28) did show up, however the meeting was already closed. He was advised to return at the next planning board meeting.

Respectfully submitted,

Eileen Yandik  
Planning Board Secretary