

# LIVINGSTON PLANNING BOARD

**November 01, 2023**

The regular meeting of the Livingston Planning Board was held 01 Nov 2023 and opened at 7:00pm with the Pledge of Allegiance.

In attendance:

Chairman Martin Nayowith

Robert Bellinger

Chip Keil

Brian Molinski

John Ross

Bernie Stickles

Stephen Thibeault

Rebecca Harcleroad

Eileen Yandik

Jeremy Steuhl

Attorney Andy Howard

Ryan Loucks of Crawford & Associates

Absent:

None

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Correspondence:

Received a letter from resident Grace McKinney re: PB-29: Special Use Permit (Vosburgh Brewing Company)

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Roll call at 7:01pm. Motion to accept minutes from 04 Oct 2023 by Brian Molinski, 2nd by Bernie Stickles. All in favor. Motion approved.

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Motion to open public hearing by Chip Keil, 2nd by Stephen Thibeault. All in favor, motion approved. Public hearing opened at 7:02pm.

Mr. Amrod presented his Site Plan approval application, PB-15, for 1637 Blue Hill Road to rebuild a bus garage.

No questions from public.

Motion to close public hearing by Brian Molinski, 2nd by Bernie Stickles. All in favor. Motion approved. Public hearing closed at 7:05pm.

Attorney Howard discussed referral to county planning. The application will be on their schedule for 16 Nov 2023. The board can approve on condition that county approves or directs back to local government.

Attorney Howard read [SEAF part 2](#). All answers are no or small impact. Motion to accept negative declaration by Bernie Stickles, 2nd by Stephen Thibeault. All in favor, motion approved.

Resolution is provided by Attorney Howard.

#### [Amrod Resolution](#)

Motion to accept by John Ross, 2nd by Stephen Thibeault. All in favor, motion approved.

<b>Vote as follows:</b>	
Martin Nayowith	n/a
Bernie Stickles	Aye
Brian Molinski	Aye
Stephen Thibeault	Aye
John Ross	Aye
Chip Keil	Aye
Robert Bellinger	Aye
Rebecca Harcleroad	n/a

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Motion to open public hearing by Robert Bellinger, 2nd by Brian Molinski. All in favor, motion approved. Public hearing opened at 7:10pm.

Mark Stier presented his Special Use Application, PB-29, for 1065 County Route 19 Elizaville 192.00-01-50.11. Live music outside on Sundays from 2-5, Increase number of special event permits. Wants a total of 8 events for the year and outdoor live music on Sunday from 2:00pm

to 5:00pm. Will help sustain the farm and brewery. He is 6th generation on the farm. The farm was put in a conservancy to scenic Hudson, which means it will be forever farm and cannot be developed.

Comments from the public not in favor and referral to letter written to the town board, which discusses local law #5 that was enacted in 2013, that involves specific sound for commercial events. Local law prohibits amplified music, sound at a commercial event venue. Resident believes that these events should be under commercial law. Mr. Stier questions whether they are commercial, since they are agricultural and not commercial and that they do not charge fees for these events or music.

Discussion about enough space for parking. That is addressed in the site plan. All musicians are local artists. Items for sales are from local vendors (meats, honey, cheeses etc). Music would be limited to summer hours and is willing to follow any restrictions or conditions that the planning board sets.

Additional comments from the public who are in favor of this application. Those neighbors indicated they could barely hear music, if at all.

Another neighbor, lives next door to the farm for the past 30 years and spoke about unhappiness of the music every Sunday. Mr. Steir provided a map and pointed out where the closest neighbors are located compared to the brewery. Another neighbor, spoke in favor, but also understands the concern and would like to see a compromise where everyone feels that their home gets to be their home. A resident in the back asked the question about why the neighbors didn't complain when Sloop Brewing was operating at the brewery. One responded and said there was no music, however Mark said they've always had music, even when it was Sloop brewing.

Question about if there are fee's charged for people to attend the music? There is no cover charge for people to enjoy the music. Grace Mckinney has pictures for the board to review, that she feels is excessive size of events, obstructed parking and capacity indoors.

Motion to close the public hearing by Stephen Thibeault, 2nd by Bernie Stickles. All in favor, motion approved. Public hearing closed at 7:31pm.

Attorney Howard spoke and explained that he went through all of the documents that town has, in approval for the farm brewery. Per those documents, Vosburgh is approved as an agriculture farm brewery and permitted to have 2 events per year. Music was being played outside and that was addressed earlier in the year by Livingston Code Enforcement, which is why Mr. Stier is here with his new application. Attorney Howard read what a commercial event location is. Section 4.7 of the Livingston Zoning Code indicates what is a commercial event venue. Based on the zoning code, he does not believe this will fall under that commercial event law, but does require a special use permit. The board needs to consider the neighborhood, the impact to the neighborhood, including light, vibrations and noise.

Discussion commenced among the board members.

Ag & Markets regulation does allow for special events to promote the farm as long as they don't predominate the original operation.

Attorney read [SEAF part 2](#). All answers are no or small impact. Motion to accept negative declaration by Chip Keil, 2nd by Stephen Thibeault.

<b>Vote as follows:</b>	
Martin Nayowith	n/a
Bernie Stickles	Aye
Brian Molinski	Aye
Stephen Thibeault	Aye
John Ross	Nay
Chip Keil	Aye
Robert Bellinger	Aye
Rebecca Harcleroad	n/a

Motion passed.

Resolution is provided by Attorney Howard.

### [Vosburgh Resolution](#)

Conditions:

- Acoustical based music only, amplified allowed, but has to be acoustic type instruments on Sundays outside from 14:00-17:00.
- To include noise monitoring as per the letter of intent as set forth in the application.
- Events, 8 special events as long as they are not every weekend, per year. 1 weekend a month.

Motion to accept the resolution by Stephen Thibeault, 2nd by Chip Keil.

<b>Vote as follows:</b>	
Martin Nayowith	n/a
Bernie Stickles	Aye

Brian Molinski	Aye
Stephen Thibeault	Aye
John Ross	Nay
Chip Keil	Aye
Robert Bellinger	Aye
Rebecca Harcleroad	n/a

Motion passed.

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Mr. Lucas presented updates to his Special Use Permit application, PB-19, for State Route 9 and Orchard Road. Construction of a small warehouse with adjoining office. A distribution facility to operate 24-7. Propose construction of 4500 sqft warehouse building with office to distribute snack products.

Highway approval was a hold up, due to Orchard road. Septic design is acceptable and preliminary approval by county and just needs to be submitted. Drive aisle will be lined up with State Police barracks. After working with the town highway supervisor, will end up paving 2 inches of blacktop from route 9 to the driveway edge. This being due to Orchard road not being built to handle truck traffic. The driveway has been squared off on the left, thus preventing a tractor trailer from turning left onto Orchard road from the facility. A no left turn sign will also be posted. They have also gone through the process of designing infiltration system, because of the poor soils on the site.

Would like to go to public hearing and be sent to county planning. Town Engineer said that he has not been able to review updated documents yet, since updated documents were only provided yesterday. Town Engineer recommends local fire department look at the plans. Question about the tractor trailer running at idle. NYS law prohibits that, so the answer is no. Mr. Lucas presented photometric site plan.

Motion to deem application substantially complete and to set for public hearing by Robert Bellinger, 2nd by Bernie Stickles. All in favor, motion approved.

Motion to refer to county planning by Brian Molinski, 2nd by Stephen Thibeault. All in favor, motion approved.

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

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Mr. Birch presented updates to his subdivision application, PB-28, to create 3 parcels at Rt 9 and Orchard Road 151-1-4.4. There were 2 issues from last presentation. The first being access from Orchard Road. He met with highway superintendent. A letter from highway superintendent will be coming, where there are several points for curb cut to access property. The other issue is about access on Route 9. Town zoning requires a certain core on that road, where there are 2 or more parcels accessing it. Spoke with some people about getting a core sample. Discussion about the driveway. Mr. Birch asked to hold off on that until we have a use for that second parcel, but get approval for the subdivision. With condition that the parcel if to be sold, meets the town specifications.

Question about how to access the parcel if it's sold. Parcel A and Parcel B share a common driveway. Parcel A is planning to be sold. Need to see roadway maintenance agreement and easement. Mr. Birch said NYS does not want an additional driveway coming in off of Route 9. Chairman Nayowith would like to have the driveway taken care of before approval.

Other questions were asked and answered. Still need road maintenance agreement and that it meets the town roadway specs.

Applicant will return in December with updates on core samples, roadway specs and road maintenance agreement.

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Eli Fieser and Kayla Raymond presented their lot line adjustment applications (PB-36 & PB-37) for 137 and 127 County Route 10, Germantown, NY 149.-1-22, 149.-1-2 and 149.-1-1. Purchase of land on lot line adjustment / consolidation of lot for purchase. They want to sell part of property to Eli and merge into his property and then Kayla would like to consolidate 2 properties into one, in order to sell that property.

Second set of certified maps have been provided. This will not create a new lot.

Motion to accept the applications was made by Robert Bellinger, 2nd by Brian Molinski. All in favor, motion approved.

Chairman Nayowith will sign and stamp maps and make available to applicant by Friday 03 Nov 2023 for pickup at the town clerks office.

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Emily Woerthman from SunCommon presented her request for revision to PB-21 with a new site plan approval, PB-39, for installation of ground mounted solar with a "north" and "south" array. 64 Sparrow Bush Road. 170.-1-2.2 They would like to split their approved application, into 2 different arrays now, versus 1 array as originally approved.

Identified all of the setbacks are proper. Just moving panels 90' away from original approved location. Which makes it farther away from the original approval.

Motion to deem application substantial complete and schedule for public hearing by Brian Molinski, 2nd by Bernie Stickles. All in favor, motion approved.

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

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Brief discussion among board members regarding printing of meeting minutes and agendas for board member books. Everything is now online and in the new automated system. Board agreed, do not need to print off minutes and agenda for everyone. We'll maintain 2 books.

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There being no further business, motion to close meeting was made by Chip Keil, 2nd by Robert Bellinger. All present voted AYE. Motion passed.

Next scheduled meeting will be held 06 Dec 2023 .

Meeting closed at 8:44pm.

Respectfully submitted,

Eileen Yandik  
Secretary Livingston Planning Board