

LIVINGSTON PLANNING BOARD

December 06, 2023

The regular meeting of the Livingston Planning Board was held 06 Dec 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

Correspondence:

None

Roll call at 7:01pm. Motion to accept minutes from 01 Nov 2023 by Stephen Thibeault, 2nd by Bernie Stickles. All in favor. Motion approved.

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

Mr. Lucas presented updates to his Special Use Permit application for State Route 9 and Orchard Road. Construction of a small warehouse with adjoining office. A distribution facility to operate 24-7.

Question about eagles nest. They have been in contact with NYS and DEC. If there is an eagles nest on the property, they need to handle with care. If there is one within a 1/4 mile, they have to stop construction and inform DEC. Does need a lot merger survey.

Question about whether the staff arrive in a fleet vehicle or if they arrive in POV and will there be enough parking.

Consistent about size of delivery trucks. Site plan says 24', but expectation is that they will be from 24' to 40'. Maximum size is 40' delivery trucks. In reality, it will be 24' wheel based truck.

Parking lot lights will be on all night. Interior lights will be motion operated.

Concern from the public about additional traffic and light pollution. Superintendent Dave Lyons, asked that the applicant do a few things. A trucks No left Turn sign will be posted at the driveway of the site to indicate trucks should not turn onto Orchard road. The developer will pay to repave from Rt 9 to the driveway off the road to bring it up to code. People that work there can make a left turn, just not trucks.

Additional questions were asked and answered.

Motion to close public hearing by Bernie Stickles, 2nd by John Ross. All in favor. Motion approved. Public hearing closed at 19:28.

Board discussion commenced. Attorney Howard spoke about terms to be set on the special use. Question about the design of the building. Applicant showed the drawing of the building. Septic is approved by county. Question about type of trucks. They will box truck with lift gate.

Attorney Howard asked about a timer for the lights or motion detected. Mr. Lucas will look into it. The reason they don't have switches is to prevent lights from being left on accidentally. Tenant would prefer to keep the photocell lighting, which would remain on all night to prevent people from coming on site and breaking in or looting dumpster.

Confirmed, there will be 1 tractor trailer, 1 time a day. Tractor trailer will come in anytime after noon to 7pm. Outbound trucks will go out between 3am and 7am. Return in the afternoon likely around same time tractor trailer arrives. Engineer confirmed that lighting is dark sky compliant.

Additional questions were asked and answered.

Attorney Howard read [SEAF part 2](#). All answers are "No or Small Impact". Motion to accept negative declaration by Brian Molinski, 2nd by John Ross. All in favor, motion approved.

Board will hold off decision until Crawford & Associates has provided final review and to consider comments from the public. Motion to adjourn decision was made by Robert Bellinger, 2nd by Stephen Thibeault. All in favor, motion approved.

Board will convene at next meeting on 03 Jan 2024 to discuss further.

Motion to open public hearing by Brian Molinski, 2nd by Robert Bellinger. All in favor. Motion approved. Public hearing opened at 19:51.

Emily Woerthman from SunCommon presented her request for revision to PB-21 - Site Plan Approval (SunCommon-Emily Woerthman / James Laforce) Complete : a site plan approval for installation of ground mounted solar with a "north" and "south" array. 64 Sparrow Bush Road. 170.-1-2.2

The applicant would like to move the array into a dual array on a different location within the property. It will be placed deeper within the homeowners rear yard, well within the town's required setbacks. The homeowner wants to move the array from it's original approved location to this updated location because it will make the array less visible and easier to screen. New setbacks 193' from front, 302' from west, 313' from east, 174' from rear.

No question from the public.

Motion to close public hearing by Bernie Stickles, 2nd by John Ross. All in favor. Motion approved. Public hearing closed at 19:53.

Question about number of arrays. It's 2 modules now, north and south array. Easier for homeowner to block the view of the arrays. These are fixed panels, not solar trackers. They are easily removable.

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

Attorney Howard provided resolution.

[LaForce Resolution](#)

Motion to accept the resolution by Robert Bellinger, 2nd by Bernie Stickles. All in favor. Motion approved.

Mr Birch presented updates to his subdivision application to create 3 parcels at Rt 9 and Orchard Road 151-1-4.4. 3 lot subdivision. Gentleman in the audience wants to purchase parcel A.

Separate out residential portion from the commercial portion. Commercial portion is broken up in 2 pieces. NYS does not want another driveway off of Rt 9 at this location, so the plan is it will be shared driveway. Town of Livingston, requires that it has asphalt going back 50' and 20' wide.

Question about enough room for a firetruck to get through. Answer was yes, it's 50' wide. Robert Bellinger suggests that it should be fenced off. Applicant said buyer will be coming back to board likely to apply for fencing etc. Common driveway specs were provided to the applicant on Oct 20. One option is to go back to DOT to request 2 curb cuts. Attorney Howard recapped comments from town engineer.

If excavation is done to look at the material. Town Highway Supervisor & Engineer could then evaluate. Need a driveway design still and bring the roadway up to spec. Need to know what the base is, before you can pave. Need DOT approval in writing, not email.

Applicant will return 03 Jan 2024

Mr. Kline presented his subdivision application to create 2 parcels at 40 Cold Spring Rd, Hudson, NY 12534 139.-1-65.5. Wants to subdivide into 2 parcels, 3 acre lot and 13 acre lot.

Brought up the map to show the proposed subdivision. Nothing on the land now. Just long standing access road for farm use. No additional questions. Board finds the application to be substantially complete.

Motion to schedule public hearing Robert Bellinger, 2nd by Stephen Thibeault. All in favor. Motion approved. Public hearing will be scheduled for 03 Jan 2024.

Applicant will notify abutting neighbors.

Mr Baker presented his site plan approval application to install Outdoor Wood Boiler for heating home at 2135 County Route 8 Elizaville, NY 12523, 182.-1-45.100.

Showed property on google earth. Pointed out neighbors and property locations. Received variance from Zoning Board for the setback issue. Zoning board approved the variance at 14 Nov 2023 zoning meeting.

Motion to approve Stephen Thibeault, 2nd by Brian Molinski. All in favor. Motion approved.

Applicant will go to building department for final permit.

A round of applause commenced in honor of Eileen Yandik, Martin Nayowith and Bernie Stickles, who are retiring at the end of this year.

There being no further business, motion to close meeting was made by Stephen Thibeault, 2nd by John Ross. All present voted AYE. Motion passed.

Next scheduled meeting will be held 03 Jan 2024.

Meeting closed at 8:28pm.

Respectfully submitted,

Jeremy Steuhl
Secretary Livingston Planning Board