

# LIVINGSTON PLANNING BOARD

**January 03, 2024**

The regular meeting of the Livingston Planning Board was held 04 Jan 2024 and opened at 7:00pm with the Pledge of Allegiance.

In attendance:

Robert Bellinger (Planning Board Chair)

Rebecca Harclerod (Deputy Planning Board Chair)

Brian Molinski

John Ross

Stephen Thibeault

Craig Dombrowski

George Weidler (Planning Board Alternate)

Jeremy Steuhl (Planning Board Secretary)

Andrew Howard (Planning Board Attorney)

Absent:

Chip Keil

Michell Mormile (Town Engineer)

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Correspondence:

None

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Roll call at 7:01pm. Motion to amend 06 Dec 2023 meeting minutes to remove “bald eagle nest” on the property. There is one near the property about a 1/2 of mile away but not on it. Motion to accept minutes as amended by Stephen Thibeault, 2nd by Rebecca Harclerod. All in favor. Motion approved.

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Motion to open public hearing for application PB-38 was made by Brian Molinski, 2nd by John Ross. All in favor. Motion approved. Public hearing opened at 7:02pm.

Mr. Greg Kline presented his subdivision application to create 2 parcels at 40 Cold Spring Rd, Hudson, a 16 acre parcel on Cold Spring road, currently agriculture/orchard. Subdivide into 1st

lot into 3 acre, with the plan that it will be a single residence and remaining 13 acres remain agricultural. Applicant provided proof of notifications to abutting neighbors. No questions from the public or board.

Motion to close the public hearing by Stephen Thibeault, 2nd by John Ross. All in favor, motion approved. Public hearing closed at 7:04pm.

Attorney Howard read through SEAF part 2. All answers are no or small impact. Motion to accept negative declaration made by Brian Molinski, Stephen Thibeault. All in favor, motion approved.

Attorney Howard provided resolution.

[Kline Resolution](#)

Motion to accept the resolution by John Ross, 2nd by Stephen Thibeault.

<b>Vote as follows:</b>	
Robert Bellinger	Aye
Rebecca Harcleroad	Aye
Brian Molinski	Aye
Stephen Thibeault	Aye
John Ross	Aye
Chip Keil	Not present
Craig Dombrowski	Aye
George Weidler	N/A

All in favor. Motion approved.

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Mr Lucas presented updates to his Special Use Permit application PB-19. State Route 9 and Orchard Road. Construction of a small warehouse with adjoin office. A distribution facility to operate 24-7.

Mr. Lucas stated during the public hearing we were asked to provide answers to a number of questions. Would like to reduce power of lighting to 3,000K to remain dark sky compliant. Revised SWPPP plan with Engineer Michele Mormile to meet all requirements by the state. It

will have a slightly larger and shallower basin. Michele Mormile has indicated to the Attorney that the SWPPP was sufficient.

Attorney Howard provided a proposed resolution.

B&D Holdings Resolution

Comment was taken from the public regarding the travel of trucks on Orchard Road. The original plan had a change to to the curbing to not allow the trucks to turn left. The fire commissioner requested that the curve be put back to allow for emergency vehicles to enter without issue. Mr. Lucas said he did offer to put a truck restriction on Orchard road, however Highway Superintendent stated he cannot put a restriction sign on the road, because there are no restrictions on that road. Chairman Bellinger requested that any change to the tractor trailer schedule, the tenant will need to come back to the board for a change. Same for employees. Question about type of forklifts used. Floors are not rated to handle forklifts and pallet jacks will be used. Question by Rebecca Harclerod about leaving some landscaping and trees. There will be remaining trees. Mr. Lucas said he would make every effort to do so. George Weidler asked if we can put a clause in there that delivery trucks cannot return other than by a state highway, via Rt 9, not via Orchard Road. Board is in agreement.

Question by Mr. Lucas about the lighting condition. Being 2am to sunrise, there is a security and safety concern. Board agrees to strike that condition from the resolution. Fencing will in be place, just to surround vehicles. John Ross asked about number of poles, in which there will be 4 around the building.

4 Conditions added/amended:

- Delivery of products to the site shall be made between the hours of 12:00pm and 5:00pm;
- Delivery trucks leaving the site shall be between the hours of 2:00am and 5:00pm;
- Delivery trucks shall return to the site via State Route 9;
- Exterior Light fixtures shall have a rating of 3000k or less and be dark sky compliant;

Motion to accept the resolution as amended by Stephen Thibeault , 2nd by Brian Molinski.

<b>Vote as follows:</b>	
Robert Bellinger	Aye
Rebecca Harclerod	Aye
Brian Molinski	Aye
Stephen Thibeault	Aye
John Ross	Aye

Chip Keil	Not present
Craig Dombrowski	Aye
George Weidler	n/a

All in favor. Motion approved.

Requested to have property maps merged through the county.

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Mr Birch appeared and was told that his application is not on the agenda. Attorney Howard will send an email to him explaining the issues with his new map.

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Mr. Philip is representing two neighbors for applications (PB-52 Lot line adjustment to merge (2) lots into (1) at 174 Cold Spring Road Hudson NY 12543 150.-1-24 & PB-54 Lot line adjustment at 174 Cold Spring Road Hudson NY 12534 150.-1-4.200 to sell portion of land to neighbor at 202 Cold Spring Road 150.-1-25).

His client would like to simplify their property lines. There is also a garage that is half on another persons property and this adjustment would solve a potential zoning issue. No questions from the board. Not required to have public hearing.

Motion to approve both applications as submitted by Stephen Thibeault, 2nd by John Ross. All in favor, motion approved.

Attorney Howard requested that the filed deed be sent to the town for our records.

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Mr. Ihlenburg presented PB-59 a lot line adjustment application to provide Frontage for lots that have no road frontage on Black Bridge Road (No new lots created) 182.00-1-11.121.

He prepared large maps and colored in the lots to clearly show the intent of this application. Today they own 10 tax map parcels. In Early 1970's the Egan farm was subdivided into a number of lots. Today there is 5 of those lots left. Black Bridge road runs through 1, 2 and 3. In 1980's, lots 6, 7, 8, 9, 10 were created and still exist today. There's no frontage for any of those parcels. Proposal is to still have 10 lots. Where 9 and 10 are unchanged. 1, 2, 3 use the road a division line and make those lots somewhat smaller. The balance of those lands would be merged with 6, 7, 8 to make them larger and give them road frontage. Lots 4 and 5 are made bigger by residual part of property left over. Reservation in the deed that property can cross the

National Grid ROW. No new lots, just existing lots would change size, and no lots are substandard.

Attorney Howard stated the board will need copy of utility easement. Chairman Bellinger recommends that the Town Engineer review and provide feedback etc. Attorney wants the applicant to meet with Highway Superintendent to identify driveway. Identified that this is 5 lot line adjustments and applicant will provide additional payment. We'll ask Town Engineer if escrow is needed. Board Secretary will put Mr. Ihlenburg in contact with Town Engineer. Board Secretary will scan presented maps and attach to application. Mr. Ihlenburg will return in February with updates.

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There being no further business, a motion to adjourn was made by Stephen Thibeault, 2nd by Brian Molinski. All present voted AYE. Motion passed. Next scheduled meeting will be held 07 Feb 2024.

Meeting closed at 8:09pm.

Respectfully submitted,

Jeremy Steuhl  
Secretary Livingston Planning Board