

LIVINGSTON PLANNING BOARD

June 05, 2024

The regular meeting of the Livingston Planning Board was held 05 Jun 2024 and opened at 7:00pm with the Pledge of Allegiance.

In attendance:

Robert Bellinger (Planning Board Chair)
Rebecca Harclerod (Deputy Planning Board Chair)
John Ross
Chip Keil
Stephen Thibeault
Craig Dombrowski
George Weidler (Planning Board Alternate)
Jeremy Steuhl (Planning Board Secretary)
Andrew Howard (Planning Board Attorney)
Michelle Mormile (Town Engineer)

Absent:

Brian Molinski

Participants:

- Kayla Shea
 - David Birch
 - Robert Mangold
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Correspondence

- Email regarding postponement to 10 Jul 2024 meeting from:
 - PB-79 - Subdivision (Nearly There LLC.)
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Minutes:

Meeting started with the Pledge of Allegiance at 7:00pm. Roll call at 7:01pm.

Robert Bellinger asked if everyone had read through last months meeting minutes. George Weidler commented about the owner of the right of way, whether it was actually National Grid. It's actually Trans Corp. Will update the meeting minutes to reflect that. Motion to accept minutes as revised from John Ross, 2nd by Stephen Thibeault. All in favor. Motion approved.

Discussed correspondence.

Old Business:

PB-71 - Special Use Permit (Kayla Shea)

Kayla Shea returned to present updates for a Special Use Permit application to open farm store out of the existing building and also serve ice cream at 1370 County Route 19, Elizaville 192.-1-44.

- Kayla is still waiting to hear back from the Department of Health. Still have not heard back from them. She contacted them on May 21-22 and again this week.
- Escrow was established and set at \$1500.
- Robert Bellinger asked about the county letter and approval for entrance/exit on CR-19. Letter received and county approved.
- Robert Bellinger asked about taking down the garage as it would open up the site distance. She has nothing to do with that building, but it's not hers. There was talk about taking that building down at some point in the future.
- Robert Bellinger asked about selling meat. It will be frozen/packaged for sale. Just ice cream and meat. No hamburgers/hot dogs or anything like that.
- Kayla Shea mentioned that she tried to contact the engineer, but never got a call back. Michelle apologized as she was out of the office.
- Kayla provided updated SEAF and Ag Data forms.
- We need a digital copy of the survey, but a survey has been provided. Jeremy will scan and attach.
- Kayla Shea asked what exactly is needed from Department of Health? Robert Bellinger said tell them what you are doing and they will tell you what information they need from you and what kind of approvals.
- Michelle Mormile stated that the Health Department might need to weigh in on whether that the building is sufficient for what you are doing, whether you need bathrooms, the well is sufficient etc.
- Kayla Shea stated that there are no plans to have a bathroom and that there is a dry well for gray water for the ice cream shop and the well is shown on the map. The dry well was there for the original ice cream shop.

- Robert Bellinger asked what type of ice cream. They are planning on soft serve. Which will have machines. The water will come from the house and is potable. Same as it was when it was previously an ice cream shop. That will be used for cleaning the machines.
- Robert Bellinger asked if porta-potties are needed? Kayla said they don't plan to have them.
- Kayla Shea's mother asked if they could just move forward with the meat sales and come back later or next year for ice cream to be added. Can she come back to add that on or is it better to do it all now.
- Kayla stated she addressed concerns on SEAF and Ag Data Statement. Michelle Mormile has mentioned that there's still some open items, but most are addressed. Still need deeds for the property. Question about OPRHP on the SEQR form and it did come up as being historic or adjacent to a historic site.
- Kayla asked where or what the historic site is? Michell Mormile stated that it just says that it's near a historic site, not specific and provided guidance on how to find out.
- There is no disturbance going on, using the existing building. Robert Bellinger suggested that we would not require that. The board is not concerned about it.
- Robert Bellinger asked if dry well is in use now and is still functional. Kayla said it's not being used right now. Robert Bellinger suggested that she get someone to inspect it to ensure it's still functional.
- Dry well is next to building and Robert Bellinger suggested to block it off so no one parks on it.
- George Weidler commented that the garage might be the reason that historic flag is coming up. It used to be a firehouse at one point in history.
- Andrew Howard asked if outdoor seating or additional lighting. There will not be any seating or additional lighting added.
- Robert Bellinger wants approval from Dept. of Health before we can do anything. Rebecca Harclerod commented that Kayla should go into the Dept. of Health directly, instead of trying to call.
- Michelle Mormile asked if the board wants a letter in regards to the potential historic site and no impact. Robert Bellinger said no, we would not need that.
- Kayla will return in July with updates and drop off escrow check to town clerk.

PB-28 - Subdivision (David Birch GCARD LLC)

Mr. Birch was late and was skipped for the next application. After Kayla Shea presented her application, Mr. Birch presented updates for his subdivision application to create 3 parcels at Rt 9 and Orchard Road 151-1-4.4.

- David Birch said that the state was not authorizing a second driveway on route 9, so he is changing the subdivision to have 2 lots on Orchard road and one on Route 9, versus 2 on route 9 and one on orchard.

- There will now be one commercial lot and the dividing point would be the commercial zone.
 - Parcel B will stay the same.
 - Driveways are shown on Parcel A and C. David Birch has met with Highway Supervisor and he said that they were approved.
 - Robert Bellinger asked if pins were set in the ground. David said no, that the surveyor wanted to make sure it was ok before actually setting the pins. Robert Bellinger says they need to be set before board can approve.
 - David Birch pointed out the notes on the map and provided copies of the notes from the map to the board.
 - Surveyor said he didn't know what identified the commercial zone. Robert Bellinger said, 1000' back from the road and David Birch will discuss with surveyor and get updated maps. Robert said that he's not sure if it's from the center of the road or the fog line, but the surveyor should find that out.
 - Maps are needed, need to be stamped and signed with seal.
 - David Birch will return in July with updates.
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New Business:

PB-84 - Site Plan Approval (Global Montello)

Rob Mangold presented a site plan application to add an outdoor freezer/cooler at Alltown Fresh 5385 RT 9H & 23, 140.-1-16.3.

- Would like to add 12x12 freezer/cooler on the side of the building on the Rt 9h side. Will be attached to the building and only accessible from inside. It is adjacent from the one inside
 - Using existing concrete pad.
 - John Ross asked about the size. It's about 8ft tall. 12x12 cooler. We pulled up photo's and map on the screen for everyone to see.
 - John Ross asked about power already being there? Yes, it's already there.
 - Robert Bellinger asked if there were any additional questions. Board said no.
 - Andrew Howard discussed the need of having a public hearing, since it is a modification to the site plan and is changing the footprint.
 - Public hearing is required and will be set for July.
 - Motion to accept site plan for public hearing. John Ross, 2nd by Stephen Thibeault.
 - All in favor, motion approved.
 - Motion to set public hearing at 7:01 pm on 10 Jul 2024 by John Ross, 2nd by George Weidler.
 - Applicant will notify the abutting neighbors and return in July for public hearing.
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Discussion

- With 4th of July holiday falling on the Thursday after the next scheduled planning board of 03 Jul 2024 , the Planning Board Chair has moved the July meeting to 10 Jul 2024.
- Robert Ihlenburg asked about an application he submitted for a subdivision for D'Addona. He was advised that there was no application in the system and that nothing has been provided to the planning board. He was advised to contact the Code Enforcement Office to find out what the status is of his application.
- Comment from the public about a previous application at the corner of Orchard Road and Rt 9. Asked if that was moving forward. As the planning board understands, the applicant, though approved, has decided not to pursue the warehouse project.

There being no further business, a motion to adjourn was made by George Weidler, 2nd by Craig Dombrowski. All present voted AYE. Motion passed.

Next scheduled meeting will be held 10 Jul 2024.

Meeting closed at 7:42pm.

Respectfully submitted,

Jeremy Steuhl
Secretary Livingston Planning Board