

December 9, 2025 Meeting Minutes

Date

09 Dec 2025

Zoning Board Members

Present

- Thomas Alvarez (Zoning Board Chair)
- Sarah Price
- Kyle Nilan (Zoning Board Secretary)
- Andrew Howard (Zoning Board Attorney)
- David Kimball
- Jason Munz (Deputy Zoning Board Chair)

Absent

- Charles Dickens
- Bradley Papp

Participants

- Shaun Lee from Kaaterskill Associates, representing Mid-Hudson Fiber

Correspondence

- None

Applications

Public Hearing

- None

Old Business

- None

New Business

- ZB-45: Area Variance [Keil Equipment Co., Inc.] Area Variance application to change the 1 acre lot size minimums & setback requirements to 0.05 lot size minimum & no setback requirements per §3.3 of the town zoning code at 2356 US-9, 170.-2-18.100.

Minutes

- Meeting started with the Pledge of Allegiance at 19:00.
- Roll call at 19:01.
- Thomas Alvarez opened the meeting to at 19:01.
- Kyle Nilan read the minutes from the previous meeting. A motion to approve the minutes by Jason Munz, seconded Sarah Price. All in favor; motion approved
- Thomas Alvarez invited Shaun Lee to introduce himself and his project.
- Shaun Lee showed where on the map where the proposed subdivision is, which is the northeast corner of the parcel owned by Keil Equipment Co. on the corner of Route 9 and Maple Lane.
- The proposed subdivision currently exists as an easement.
- The goal is to give ownership of the property on which the equipment sits to the utility that operates it, Mid-Hudson Fiber.
- There will be no change to the parcel or equipment.
- The proposed subdivision lot size is 0.05 acres.
- Sarah Price asked if there was any reason why the lot couldn't be larger.
- Shaun Lee said that the owner, Keil equipment, uses the property elsewhere and does not want to sell more.
- Jason Munz asked if, in the future, there might be concerns about someone putting a house and septic on the property, or essentially changing the use of the lot.
- Andrew Howard said that the Zoning Board could place restrictions on the subdivision, if passed, should the parcel change hands in the future.
- Sarah Price asked if, in the future the equipment was obsolete, what might happen then?
- Thomas Alvarez asked if the lot had a separate tax assessment.
- Shaun Lee said no, there was only an easement with a lease agreement in place.
- Shaun Lee said the goal is for Mid-Hudson Fiber to have access to the parcel without notifying anyone.
- David Kimball asked how Mid-Hudson Fiber accesses the equipment.
- Shaun Lee pointed out on the map the access easement from Maple Lane, which would remain the property of Keil Equipment Co. Mid Hudson would maintain access of the ingress easement on Keil's property in the future.
- David Kimball said that would be getting rid of an easement, while also granting an easement unnecessarily.

- David Kimball said that the general feeling is that the town government doesn't want easements anymore, they want ownership, because easements have become a problem statewide.
- David Kimball suggested that Mid-Hudson might expand the proposed lot size to accommodate a driveway under ownership, not though easement. They might be able to add a direct access from Maple Lane.
- Andrew Howard asked how often Mid-Hudson goes there. Shaun Lee said not often, just for maintenance.
- Andrew Howard suggested that maintaining the easement over commercial property might be preferable to adding new curb cuts, etc. considering the nature of the properties, and that he likes the idea of the property not changing visually for the neighbors.
- Andrew Howard suggested they write into the agreement the access easement exists unchanged.
- Sarah Price said it was worrisome setting precedent for such a small easement.
- David Kimball agreed and said there was good reason for the minimum to be once acre, including that if the tower failed it might land within the parcel rather than on another's property.
- Shaun Lee asked if setting deed restriction would be helpful for avoiding future conflicts of usage.
- David Kimball said he worried that the property might become abandoned if its current use was obsolete and raised the idea of adding a reverter to the previous owner if the land ceased to be used as telecom space.
- Andrew Howard explained the function and form of a right of reverter that would restrict the property's usage to telecom for all future tenants and asked Shaun Lee if he could speak to his client about the idea.
- Andrew Howard said it would be good because it would apply limits to usage, and also recognize the unique nature of this proposed subdivision compared to others, which would address precedent. He said that it would also maintain good relations to telecom companies in the town and county, which are important to future economic development.
- Thomas Alvarez asked if the tower had been updated over its lifetime, Shaun Lee said he did not think so.
- Thomas Alvarez told Shaun Lee that the board would set a date for a public hearing, but it would depend on Mid-Hudson Fiber being agreeable to the reverter and restrictions.
- Motion to move to a public hearing by David Kimball, seconded by Sarah Price. All in favor, motion approved.
- Public hearing set for January 13, 2026.

- There being no further business, a motion to adjourn was made by Jason Munz, seconded by David Kimball. All in favor, motion approved.

- Next scheduled meeting will be held January, 13 2026.
- Meeting closed at 19:31

Respectfully submitted,

Kyle Nilan
Secretary Livingston Planning Board