

January 13, 2026 Meeting Minutes



Date

13 Jan 2026



Zoning Board Members

Present

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

Absent

- Charles Dickens



Participants

- Shaun Lee, representative for Kaaterskill Associates



Correspondence

- One letter from Arnie Cavallaro of Mid-Hudson Fiber, see ZB-45 or REQ-496 folders.



Applications



Public Hearing

- 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.



Old Business

- None



New Business

- None



Minutes

- Meeting started with the Pledge of Allegiance at 19:00.
- Thomas Alvarez asked for a moment of silence in honor of Charles Schneider.
- Roll call at 19:03.
- Reading of the December meeting minutes by Kyle Nilan. David Kimball asked for one amendment, that the parcel in mention is located to the northeast section of the lot, not the southeast section. Motion to accept the minutes as amended was made by David Kimball, seconded by Bradley Papp. All in favor; motion approved.
- Thomas Alvarez asked if there was any correspondence. There was one letter from Arnie Cavallaro from Mid-Hudson Fiber. Kyle Nilan read it aloud.
- Sarah Price asked for clarification on the nature of the right of reverter and Andrew Howard clarified.
- A motion to open public hearing Bradley Papp, second David Kimball. All in favor; motion approved.
- Shaun Lee from Kaaterskill associates introduced himself and the project to the public.
- He confirmed there were no plans to change anything on the lot.
- Suzie Knauss, a neighbor, asked about the reason for the variance, if there was a hardship. Thomas Alvarez and Shaun Lee clarified the reason for the area variance request being that Mid-Hudson Fiber does not own the property at present and the hardship being that Keil's has no desire to sell a larger parcel.
- Jason Munz asked if Keil's were to sell the land to United Ag, if that would be hardship at that time.
- Arnie Cavallaro, a representative from Mid-Hudson Fiber explained that Mid-Hudson has deliberated over the best approach to their unique problem. He explained that the cell tower and cell carrier equipment has been there since 1985. The equipment and technology have change since then. The site is a major hub to service the town of Livingston and beyond. The original contract with the Keil's dates to 1985 and there have been no changes to the footprint since then. There is no wording in the contract for renegotiation. If the owners of the property decide for any reason to evict Mid-Hudson Fiber there would be issues of telecom service to the surrounding area and its residents. In order to protect Mid-Hudson's interest as well as the emergency services that use the hub, ownership is the best solution. Because technology has changed, the cell tower is less critical to the site than the fiber optic equipment.

- Sarah Price asked if the cell tower is needed, or just the land. Arnie Cavallaro said that the cell tower is under long term contract to AT&T so it is needed.
- Arnie Cavallaro said that Mid-Hudson Fiber also wants to keep the footprint of the parcel as small as possible.
- The hardship identified is that Keil's is disinterested in selling more than the small parcel.
- He explained that Kaaterskill identified the smallest lot they could to allow for right of way for trucks. Keil's had initially suggested a smaller lot that would limit access to foot traffic.
- Arnie Cavallaro noted there would be additional language in the new deed about cleanliness and various restrictions including against a well and septic system, hazardous material storage and overnight parking.
- Sarah asked what if another utility company wants to do something similar, like buy a .05 acre property nearby for the same purpose, and cites this case as precedent. Andrew Howard said this was unique because it is an existing site.
- Arnie Cavallaro provided an example of a nearby town where any cell company looking to come to the area must look at the existing tower first according to town law.
- Andy explained that federal law would likely restrict this scenario already.
- Thomas Alvarez asked if Keil's has provided written correspondence that the right of reverter, specifically, is acceptable and requested that for the file.
- Suzie Knauss asked what the property class would be for the new small parcel. It would be commercial.
- Suzie Knauss asked if there was any way to put that equipment in the public right of way. Arnie said no, because its been as such since 1985 and no changes can be made now. Suzie said she would like a better solution, this is not robust.
- Thomas asked if there was a height restriction for the tower. Arnie said today they ask for 150' minimum, and this tower is comparatively very low.
- Andrew Howard said that any change to the height of the tower would have to approved in a separate case.
- A motion to close the public hearing was made by David Kimball, seconded by Bradley Papp. All in favor; motion approved.
- Andrew Howard went through the proposed answers to the questions for part two of SEQR: no or small impact to all questions.
- A motion to accept a negative declaration for SEQR was made by Jason Munz, seconded by Bradley Papp. All in favor; motion approved.
- Andrew Howard handed out and explained the resolution to the board and public.
- Andrew Howard added the specific conditions to the resolution: placement of right of reverter consistent with the language set forth in Mid-Hudson Fiber's January 13, 2026 correspondence; written consent from Keil's to right of reverter; the area variance is subject to review of the planning board with the ZBA's acceptance of the acreage and setbacks as is.
- A motion to accept article C with the additional items to the resolution was made by David Kimball, seconded by Bradley Papp. All in favor; motion approved.

- A motion to grant the variance was made by David Kimball, seconded by Bradley Papp. All in favor; motion approved.
- A motion to adjourn was made by Sarah Price, seconded by David Kimball . All in favor; motion approved.
- Next scheduled meeting will be held February 10, 2026.
- Meeting closed at 19:47

Respectfully submitted,

Kyle Nilan
Secretary Livingston Planning Board