

LIVINGSTON PLANNING BOARD

July 01, 2015

The regular monthly meeting of the Livingston Planning Board was held July 01 2015 and opened at 7:00 p.m. In attendance were Chairman Philip Schmidt, James McFarland, Bernie Stickles, Chip Keil, Sal Cusumano, John Ross and Stephen Thibeault. Attorney Theodore Hilscher
Engineer Jay Trapp.

Absent: Robert Bellinger

A motion to accept the minutes of the June 03, 2015 meeting was made by Bernie Stickles and 2nd by John Ross.
All present voted AYE.

Correspondence: None:

The public hearing for Louis Di Giovanni a Special Use Permit for an Accessary Structure II The applicant intends to build a garage which exceeds 1,500 square feet. The construction of an accessary structure of that size requires a special use permit. The application is complete, opened at 7:02. Property located 3080 Route 9.

Notification of neighbors was received.

Comments from the public:

1. Anthony Gellert offered his support and has known Louis too be a trustworthy neighbor. In favor.

No written comments concerning this application.

Public hearing closed 7:04.

Attorney Hilscher prepared the short form SEQRA. The Board answered NO to all questions.

A motion to approve a negative declaration was made by Chip Keil and 2nd by James Mc Farland. All present voted AYE.

A motion to approve the Special Use Permit for an Accessary Structure II as presented was made by John Ross and 2nd by Sal Cusumano. All present voted AYE.

7:08 the public hearing for Louis Di Giovanni a Site Plan Application for a free standing Solar Panel. Property located 3080 Route 9.

Greg Pullen gave a presentation on the project. 2 solar panels 20 x 20 feet consisting of 24 panels each facing the sun. It will be installed 30 feet from the property line on the west side.

Comments from the public:

1. Anthony Gellert offered his support as he is the closest neighbor. In favor.
No written comments concerning this application.
Public hearing closed 7:09

Local Law 2 of the year 2015 amending the Zoning Law of the Town of Livingston in relation to solar panels 4.39 2.

Requirements for Pole Mount or Remote Mount Systems: a. thru q. CEO. Jay Trapp will review the application to meet the requirements before issuing a Certificate of compliance.

Attorney Hilscher prepared the short form SEQRA. The Board answered NO to all questions.

A motion to approve a negative declaration was made by Chip Keil and 2nd by Bernie Stickles. All present voted AYE.

A motion to approve the Site Plan Approval as presented contingent on all the Remote Mount Systems: a. thru q. have been completed was made by James Mc Farland and 2nd by Stephen Thibeault. All present voted AYE.

Dan and Taylor Suarez owners of Suarez Family Brewery submitted a Special Use Permit and Site Plan to be able to brew beer. Andrew Didio a Consultant for Taconic Engineering DPC gave a presentation of the plans. Property located 2278 Route 9. The applicant wants to use the property for the manufacturing and storage of beer, on site consumption of beer, and retail sale for off-site consumption returned to do the SEQRA.

Written Correspondence:

1. Columbia County Planning Board RE: Referral #15-031 – Suarez Family Brewery – Special Permits and Site Plan Review. The CCPB finds that the proposed action does not appear to have any significant county-wide or intercommunity impacts associated with it. Therefore the Town of Livingston Planning Board may take final action on this application with a simple majority vote.
2. NY Department of Transportation reviewed the revised site plans and approved them. Highway Work Permit is being processed.

Andy Didio Taconic Engineering reported the following changes.

1. DOT entrance will be single on the North side 24 feet wide curbing in place.
2. Dec permit.
3. Main entrance now on the side with a paved walkway.
4. No parking in the front.
5. Septic changed subject to DEC approval
6. Spedies permit applied for.

Attorney Hilscher prepared the Long Form SEQRA. The Board answered NO to all questions.

Suarez Brewery

1. Board answers the Long Form Part 2 questions.
2. If all responses to Long Form Part 2 are NO, Board will entertain the following:
 - Whereas, the Suarez Family Brewery has applied for Site Plan Approval and Special Use Permits for property located at 2278 Route 9, and
 - Whereas, such location lies in a Commercial or C-1 district, and
 - Whereas, said applicant intends to use the property for manufacture and storage of beer, on-site consumption of beer and retail sale of beer for off-site consumption, and
 - Whereas, “Retail Sales” is a permitted use in said zone, and “Bar” “Light Manufacturing” and “Warehouse” are uses which requires Special Use Permits, and
 - Whereas, there is listed on the National Register of Historic Sites a property which is approximately 1,100 feet to the north of the applicant’s location, and
 - Whereas, because of said Historic Site, the applicant has filed a Long Form Part 1, and the Livingston Planning Board designated this application a Type 1 action and designated itself Lead Agency on June 3, 2015, and
 - Whereas, notice of said designation was provided to Columbia County Planning Board, New York State Department of Environmental Conservation; New York State Department of Transportation and there are no other involved agencies, and
 - Whereas, the Planning Board held a public hearing on June 3, 2015, which was duly noticed, and no potential adverse environmental concerns were raised at said hearing, and
 - Whereas, the Planning Board has received the following additional written comments regarding the applicant:
 1. The Brewery will negatively impact the historic structure on the west side of Route 9 directly across from the subject property.
 2. There is an inadequate line of sight along Route 9 and cars entering from the applicant’s property will be entering a 55 MPH zone.
 3. Brewery waste water is a potential hazard to neighboring parcels.

4. The Brewery's underground propane tank is a potential hazard to neighboring parcels, and

Whereas, notice of the application was provided to the Columbia County Planning Board for 239m review, and

Whereas, said 239m review was held on June 16, 2015 and as a result of that 239m the Columbia County Planning Board found "this proposed action does not appear to have any significant county-wide or intercommunity impacts associated with it," and

Whereas the Columbia County Planning Board had the following comments:

1. The applicant should contact New York State Department of Transportation (NYSDOT) regarding any improvements which may be required to existing access off NYS Route 9 as a result of this change in use.
2. The applicant should provide information on the status of review of the water supply by Columbia County Department of Health (CCDOH).
3. Approvals are necessary from the New York State Department of Environmental Conservation (NYSDEC) for the proposed on-site waste water treatment.
4. The applicant may wish to contact the Columbia County Tourism Department regarding promotional programming for breweries in the County.
5. This application did not include exterior site lighting plan.

Upon reflection of all input received, the Livingston Planning Board finds as follows:

1. When considering any impact to contiguous or substantially contiguous historic sites, the Board relies on the correspondence of Ruth L. Pierpont, Deputy Commissioner for Historic Preservation, NY OPRHP, dated April 29, 2015 which states in part the "project will have no impact on Archeological and/or historic resources listed in or eligible for the New York State and National Register of Historic Places."
2. To address issues related to traffic, review of the site and approval of the site plan has been made by the Department of Transportation. No Certificate of

Occupancy shall be issued unless in compliance with Department of Transportation approval.

3. To address issues related to the underground propane tank, no Certificate of Occupancy will be issued unless the underground propane tank is installed in accordance with applicable and appropriate New York State Building Code regulations including setbacks from driveways and neighboring properties.
4. To address issues related to wastewater, the wastewater will be monitored and treated into compliance with New York State Department of Environmental Conservation SPDES permit. Department of Environmental Conservation has provided technical review of the proposed system, and is requiring treatment to the level that subsurface wastewater discharge meets or exceeds subsurface discharge requirements for DEC. No Certificate of Occupancy will be issued without Department of Environmental Conservation approval.
5. Exterior lighting shall consist of hooded units which will project lighting downward and shall have minimal impact on neighboring parcels.
6. No certificate of occupancy will be issued without review of site plan by Columbia County Department of Health.
7. Accordingly, potential harm to neighboring parcels has been considered and has found to have been mitigated by legal and reasonable measures, and the eighteen questions found at Part 2 of the SEQRA Long Form have been reviewed and each answered in the negative.

NOW BE IT RESOLVED, therefore the proposed Suarez Family Brewery will have no adverse potential environmental impacts.

Yeas 6 Nays 0

John Ross
Moved
Chip Keil
Seconded

3. If the Board approves the negative declaration, the board will then vote on the following:

1. The Special Use Permits for operation of: (1) Bar (2) Light Manufacturing (3) Warehouse at 2278 Route 9, Livingston by Suarez Family Brewery and proposed site plan at said location and Site Plan are approved with the following conditions:
 - a. Prior to the issue of any Certificate of Occupancy, site approval is provided by Department of Environmental Conservation.
 - b. Site review is made by Columbia County Department of Health pertaining to use of water.
 - c. Site Plan is not approved until July 6 when the 30 day lead agency designation review is completed.
 - d. On-site compliance with DEC requirements must be ongoing at all times during operation of business. Failure to comply with DEC requirements may result in revocation of Planning Board approval.
 - e. Site development shall be in compliance with Department of Transportation approval.

Chip Keil
Moved

Stephen Thibeault
Seconded

Yeas 6 Nays 0

Chad Linderg representing Kenneth Sheffer with a Special Use Application the property is located at 309 Water Street, Livingston, New York. The applicant intends to expand his residence, which is an existing non-conforming use, by more than 50%. Such an expansion to an existing non-conforming use requires a special use permit.

Public hearing opened 7:15. Notification of neighbors received.

Comments from the public.

1. Carlie O'Brian thinks it is too close to the creek and too big for the lot. All plans were submitted to DEC and Fema and approved.
2. The property flooded during Hurricane Irene.
3. Charles Schneider reports that the Fire Company could not access the road at least three times due to flooding.
4. Nancy Merritt why Special Use for a mud room – so close to the creek.
5. Septic system on North side does it need to be made larger.
6. Water under the house what is being done to keep it out of the house - existing crawl space will be filled in.
7. Nancy Hagen asked the location of the well it is on the other side of the house.

DEC addressed all questions and floods have been documented by survey. By not adding bedrooms the septic does not have to be made larger.

No written correspondence was received concerning this application. Public hearing closed at 7:25

Attorney Hilscher prepared the short form SEQRA. The Board answered NO to all questions.

A motion to approve a negative declaration was made by Chip Keil and 2nd by Bernie Stickles. All present voted AYE.

A motion to approve the Special Use as presented was made by Chip Keil and 2nd by Sal Cusumano. All present voted AYE.

Phil Massaro representing Klein's Kill Fruit Farm Corporation a subdivision application. The applicant intends to subdivide the property into two parcels of 2.253 acres and 158 acres plus or minus in size. Property located 945 County Route 10. A public hearing will be held August 05 2015 at 7:02. To be advertised.

There being no further business before the Board a motion to adjourn was made by Chip Keil 2nd by Bernie Stickles. All present voted AYE.

Next scheduled regular meeting will be held August 05 2015. Meeting closed at 7:56p.m.

Respectfully submitted,

Eileen Yandik
Secretary Livingston Planning Board