

LIVINGSTON PLANNING BOARD

January 07 2015

The regular monthly meeting of the Livingston Planning Board was held on January 07 2015 and opened at 7:00 p.m. In attendance were Chairman Philip Schmidt, Chip Keil, Bernie Stickles, Robert Bellinger, James McFarland, John Ross, Sal Cusumano and Stephen Thibeault.

Attorney Theodore Hilscher

Engineer Jay Trapp

A motion to accept the minutes of the December 03 2014 meeting was made by Chip Keil and 2nd by John Ross. All voted AYE.
Motion passed unanimously.

Correspondence:

1. Attorney Kenneth J. Dow re: Wedding Event Venue, 65 Bells Pond Road.
2. Attorney Paul Freeman re: Columbia Ice and Storage.

Chairman Schmidt welcomed the Board's two new members. Sal Cusumano and Stephen Thibeault.

Attorney Freeman approached the Board representing Columbia Ice and Cold Storage Located at 2990 Route 9 to seek clarification/supplementation of the resolution made by the Board on November 07 2012 regarding the use of the cold storage facility of Columbia Ice and Cold Storage.

Paul Freeman on behalf of the Columbia Ice and Cold Storage and asked the Board whether non-operating refrigerator units can be parked on-site. Mr. Freeman revisited the minutes of the November 2012 meeting during which the board decided refrigerator units can only be operating when loading and unloading and that non-refrigeration units can be parked on-site.

The storing of non-operating refrigeration units is not an expansion of use.

The board agreed that non-operating refrigerator units could be parked subject to the following conditions:

1. Once the units are unloaded, they are shut off.
2. A refrigeration unit cannot be started until it is backed up to the loading dock.

A period of two hours for the units to cool down before they can be loaded is permissible.

3. Refrigeration units will be operated only during business hours.

A motion to amend the Columbia Ice and Storage conditions was made by Robert Bellinger and 2nd by Chip Keil. All voted Aye. Motion passed.

Attorney Kenneth Dow approached the Board regarding the Scotts wedding venue. His concern was that the Scotts had received all required approvals and were now asked to take costly steps which may not even be feasible to hold these 22 events.

Chairman Schmidt asked for the board's response to a letter from attorney Ken Dow regarding the Scotts wedding venue.

Jay Trapp gave a history of the issue, as follows: A Certificate of Occupancy was issued by the board permitting the use of the site as a wedding venue. Subsequently, an issue was raised as to whether section 503 of the Fire Code of the State of New York requires an upgrade and widening of the Scotts' access road. The code requires such upgrade for "facility, building or portions of building hereafter constructed."

It was the opinion of town attorneys Fitzsimmons and Hilscher that no upgrade was necessary because the facility being used was not newly constructed. Mr. Trapp then spoke with Joe McGrath of the Codes Division who agreed in substance with the

Fitzsimmons/Hilscher opinion. A second opinion was received from Brian Tollisen, Mr. McGrath's supervisor, who opined that such upgrade was necessary.

The board decided that no upgrade was necessary, for the following reasons:

1. A certificate of Occupancy was already given, and the Scotts have relied on same in scheduling 22 weddings.
2. Legal Opinions were received that such upgrade is not necessary.

There exists a difference of opinions among the officials at the Department of State.

3. The final interpretation and decision of enforcement rests with the town, according to many numbers of court decisions in New York State.

Edward W Unkel submitted a subdivision application to sub divide 2.17 acres from 29 acres. Property located 265 Bells Pond Road. The Board did not have a complete application and advised the applicant to return to the February 04 2015 meeting.

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

Motion passed unanimously.

Next scheduled meeting will be held February 04 2015. Meeting closed at 7:37 p.m.

Respectfully submitted,

Eileen Yandik

Secretary, Livingston Planning Board.