

## LIVINGSTON PLANNING BOARD

May 04 2016

The regular monthly meeting of the Livingston Planning Board was held May 04 2016 and opened at 7:00 p.m. In attendance were Chairman Philip Schmidt, James McFarland, Bernie Stickles, Robert Bellinger, Chip Keil, Sal Cusumano and Stephen Thibeault.

Attorney Theodore Hilscher

Brandy Nelson

Absent:

Engineer Jay Trapp

John Ross

A motion to accept the minutes of the April 06, 2016 meeting with the correction that Amrod date should be January 05 2005 was made by Chip Keil and 2<sup>nd</sup> by James McFarland.

All present voted AYE.

Correspondence: None.

Ablen and Ike Amrod representing Amrod Enterprises, LLC an Amended Site Plan to be able to modify the parking of his buses.

Mr. Amrod reports:

1. Received a Notice of Intent for the SPDES application signed by Ryan P Waldron
2. 2008 and 2015 CEO reports violations.

On April 13 2016 an on-site inspection was done with Ike and Ablen present. Compliance or non-compliance with each of the conditions of the 2005 site plan approval was noted as follows:

1. Business hours shall be 8 am to 7 pm Monday thru Saturday. To be discussed.
2. Real Estate business does not exist anymore. Need to remove from resolution.
3. Property shall have no more than (3) Licensed, registered, inspected and insured buses present to be utilized a rental vehicles. Presently now 12 to 15 buses are there now. Owner wants to be able to have 25 buses at this location.
4. The property shall have no more than four additional buses for repair, renovation or service. Said buses will be under cover in garages. The garages are for maintenance only. Currently more than 6 nonfunctional buses are on property and not in garage. Plus an unknown number of cars in various stages of disrepair.
5. Site shall be maintained by mowing, no less than 2 times a year. Okay that is done as required.
6. As of June 01 2005 the site there is to be free of any junk, trash and debris. Not done.

7. No trailers or materials of any kind are to be stored upon the property except under cover. Trailers are in the open.
8. Trash and debris must be located and enclosed in proper receptacles. Multiple vehicles, parts, building materials, tires and rubbish are located throughout the property. 2 dumpsters are currently located on the property. A holding tank for septic from buses is located on the property. 2,000 gallons pumped out every three months.
9. That the property shall have any and all site improvements for property access as stated and required by CCDPW. Original site improvements were completed required, but the site use has increased. There are currently three accessory apartment, a repair shop (for buses) and a charter bus service yard located on the property.
10. At no time should there be any noxious fumes or odors be detectable at the property lines. No noxious fumes or odors were found.
11. Any pumps or other dispensing devices except air pumps shall be located not less than 50 feet from the property line. Complying.
12. All motor fuel or similar materials or substances shall be stored not less than 25 feet from property line. Complying.
13. Parking for real estate business is not an issue as there is no longer a real estate business.
14. Parking for the motor coach business be separately designated and signed so as to prevent any potential pedestrian vehicle conflicts. No organized parking currently on the site.
15. The applicant has consented to the inspection of the premises during business hours and has been helpful.

Mr. Amrod reports Hours have never been an issue and some of the junk was left by Capitol Valley. He will tow out junk cars. He is to comply by the July 06 2016 meeting. Brandy Nelsen will do another inspection the day before the July meeting. The applicant is to return July 06 2016 with an updated site plan.

Phyllis Manuli 700 County Route 31, Livingston, New York, a minor subdivision. Property located 700 County Route 31, Livingston consisting of 19.104 acres to be subdivided as follows: Parcel 1, 10 acres and Parcel 2, 9.014 acres.

A public hearing will be held June 01 2016. Notice in the paper no need to notify neighbors,

Livingston Hills represented by Engineer Rich Andreassen from Morris Associates gave a report on the project to replace a water tower with a new system. Property located US 9. 2 new wells were drilled 6 or 7 years ago and the water treatment was installed. The tank has a crack and will have to be replaced. The new tank will be 30,000 gallons 10 feet by 46 feet long in an insulated heated utility building. When the new tank is installed the old tank will be removed.

This is an amended site plan approval.

Brandy Nelsen will check with County Planning if they need to address this as well.

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

A motion to declare a negative declaration for the SEQRA was made by Bernie Stickles and 2<sup>nd</sup> by Chip Keil. All present voted AYE.

A motion to approve the removal of the old tank and replace it with a new water tower with the following conditions. Wait to hear from the Columbia County Planning Board and to remove the old tower within 12 months of the new tower was made by Bob Bellinger and 2<sup>nd</sup> by Sal Cusumano. All present voted AYE.

Red Wing a Site Plan and Special Use Permit to mine at Route 19 in Zoning District LDR2. Property consists of 196 acres.

Civil Engineer, Yolanda Jansen and Red Wing President Frank Doherty gave an update on the project.

1. Received a permit in the early 90's. In 2006 Red Wing purchased the property.
2. Permit only for 40 acres.
3. The processing plant needs more material so they need to resume mining.
4. 3 to 4 trucks a day. Each truck will make 10 to 12 loads each. To equal 30 to 40 trucks a day.
5. It will be mined for 5 years.
6. No sales or processing on the site.
7. 33 tons on each truck.
8. Area to be mined is in the rear, removed top soil will be used as a berm.
9. The project will have 2 phases of 7 acres each. No more than two acres opened at one time.
10. Close to the road archeological artifacts were found and that area will not be mined.
11. Reclaimed to pasture when done no top soil will be sold.
12. This will have to go to the County Planning Board.
13. The permit expired in 2011.
14. DEC wants Town Planning approval before they will renew the permit.
15. Zoning only allowed in the area of LDR2.

Applicant needs the following:

1. Set of plans for the Columbia County Planning.
2. Copy of the Application of the renewal permit.
3. DEC approval of truck route from the 90's. Some concerns were discussed.
4. Referral to the County Highway Department.
5. Preferred truck route County Rt. 19.

Applicant to return to the June meeting.  
Escrow of \$2,500.00 required.

Sloop Brewery returned to discuss the non-compliance with the following approved Resolution.

WHEREAS, Sloop Brewery, currently operating in Poughkeepsie, New York, made a site plan application for a brewery and tasting room to be located at the Vosburgh Farm, County Route 19, and

WHEREAS, agriculture and farm stands are permitted uses in all zones in the Town of Livingston and

WHEREAS, New York State defines agriculture to include "processing, distillery, brewing and fermentation activity" of "grains, hops grapes or other fruits" and

WHEREAS, Sloop Brewery would use hops, apples and other agricultural products, some of which will be grown in the town of Livingston, in its production of beer and hard cider, and

WHEREAS, under the Livingston Town Zoning Law, bars are allowed only in C-1 zones, and a bar is defined as "as establishment primarily for the sale and consumption of alcoholic beverages."

NOW BE IT RESOLVED, the Livingston Planning Board finds the on-site consumption of alcoholic beverages is not the primary purpose of the proposed Sloop Brewery site, and said site would not be a bar prohibited in a LDR-2 zone, but in fact is a use accessory to the agricultural use of the property in that a tasting room would promote the sale of agricultural products grown in the Town of Livingston, and

BE IT FURTHER RESOLVED, the site plan application for a brewery and a tasting room at lands of Vosburgh, County Route 19 is approved as an agricultural use and an accessory use subject to the following conditions:

- a) The tasting room will have available for consumption only beverages produced on-site.
- b) The tasting room will have available for retail sale only beverages produced on-site.
- c) The tasting room will close to the public no later than 6 P.M. on any day.
- d) The applicant shall be allowed no more than two promotional events in a twelve-month period during which the tasting room shall be open past 6 P.M. but no later than 11 P.M. Notice of said promotional event shall be given to the code enforcement officer of the Town of Livingston no less than fourteen (14) days prior to said event. Said notice will include information as to expected number of attendees, and any potential impact on parking and traffic. The code enforcement officer shall issue a permit for said promotional event if appropriate under NYS Building Code and town laws, and upon payment of \$100 fee.

Should applicant seek more than two promotional events in a twelve month period, application shall be made to the Planning Board for an amended site plan review.

- e) The tasting room will provide no television, no dart boards, no pool table or any other means of entertainment which is not integral to the tasting of beverages produced on-site.
- f) All structures shall be inspected for compliance by the Town of Livingston Code Enforcement Officer. The approved site will be further subject to annual inspections by the Code Enforcement Officer and additional inspections at the discretion of the Code Enforcement Officer. No commercial operations shall take place in structures being built or adapted, including but not limited to operation of the brewery or tasting room, without a certificate of occupancy.
- g) Applicant shall maintain premises at all times in compliance with all NYS building and fire codes, and with the Columbia County Department of Health. Failure to comply may result in the Code Enforcement Officer directing the suspension of commercial operations until compliance is met.
- h) All fees owed to the Town of Livingston related to the expenses of the consultants hired by the Town of Livingston to review this application shall be paid in full prior to stamping of plans or issuance of certificates of occupancy.
- i) By accepting plans stamped by Town of Livingston Planning Board chairman or building permit signed by the Town of Livingston Building Inspector, applicant agrees to comply with all conditions.
- j) A violation or non-performance of any of these conditions may result in a revocation of this approval by the Planning Board. Violations of any conditions are to be considered violations of the Town of Livingston Zoning Law and shall be subject to prosecution in Livingston Town Court and/or Columbia County Supreme Court.

Attorney Matt Cabral represented the owners.

Attorney Cabral explained the difference between a “Bar” and a “Tasting Room”.

1. A Tasting Room sells only beer which has been brewed on-site. A bar sells beer from many different beer manufactures, all brewed off-site.
2. A Tasting room sells only a small portion of the beer sold by the brewery, the majority of which is sold off-site.

Chairman Schmidt explained that a bar is not allowed in the R-1 and the Board has to be clear that a bar is not being operated. Several members of the public have inquired.

Violations of the site plan approval which have apparently taken place is the holding of live music, and the holding of promotional events beyond 6 P.M. without a permit from the code enforcement officer.

Also discussed:

- a. Food is being served.
- b. Beer is being sold in pints, not small glasses.

Attorney Cabral states Farm Brew Law allows beer to be sold and served in pints. The applicant shall return with (a) business records establishing its position that only a small percentage of beer produced on-site is being consumed in the tasting room, and (b) industry standards related to the operation of a tasting room.

After much discussion about having music the Board made the following motion.

A motion to amend condition e to allowing music inside the building only one day a week during business hours only was presented and vote as follows:

Chairman Schmidt	AYE.
James McFarland	AYE.
Bernie Stickle	AYE.
Robert Bellinger	AYE.
Stephen Thibeault.	AYE.
Chip Keil	AYE.
Sal Cusumano	AYE.

The Applicant to return to the June meeting with proof of the percentage of beer sold on and off premises. Discussion to continue.

There being no further business before the Board a motion to adjourn was made by James Mc Farland 2nd by Sal Cusumano. All present voted AYE. Motion passed.

Next scheduled regular meeting will be held June 01 2016. Meeting closed at 9:00 p.m.

Respectfully submitted,

Eileen Yandik  
Secretary Livingston Planning Board