

**LIVONIA JOINT PLANNING BOARD
MEETING MINUTES - March 25, 2013**

Page 1 of 6

Present: Chair. R. Bennett, J. Palmer, C. Casaceli, R. Haak, D. Simpson, B. Brooks, K. Masterson - Code Enforcement Officer & T. Schwerzler - Recording Secretary, J. Campbell - Town Attorney, Greg Nearpass - Acting Town Attorney

EXCUSED: D. Richards

AGENDA: - *Ronald Munson*
- *6273 Decker Road*
- *Site Plan*

- *Steve Gerould*
- *Big Tree Road*
- *Site Plan*

- *Lawrence Benson*
- *Bronson Hill Road*
- *2 Lot subdivision*

- *Gary DeBolt*
- *Federal Road*
- *2 Lot subdivision*

Chair. R. Bennett opened the meeting at 7:01 p.m.

Chair. R. Bennett asked the board to review minutes of the March 11, 2013 meeting. M/2/C (B. Brooks/R. Haak) to approve the March 11, 2013 Livonia Joint Planning Board meeting minutes as submitted.

Motion carried 7-0.

Recording Secretary read aloud the first Legal Notice:

RE: Application of Ronald Munson (Finger Lakes Timber Co., Inc.) for a public hearing to consider a site plan application for the operation of a permitted agricultural use, timber operation and includes the construction of a 60' x 116' equipment storage building. The property is located at 6273 Decker Road, Livonia, New York, tax ID #92.-1-13.1, and is zoned Agricultural Residential Conservation (ARC-3) zoning district.

Ronald Munson, Aaron Munson and Atty. Reuben Ortenberg all approached the board. Atty. Ortenberg explained that he had been before this board previously on behalf of the Munsons. The site plan is straight forward. The dimensions of the site plan, traffic flow and the existing pond have not changed.

Chair. R. Bennett opened up the public hearing to the gallery and asked that if anyone chose to speak, they must state their name and address for the record.

Atty. Steve Sessler of 20 Branch Street spoke on behalf of his clients, Matt & Beth Graf of 6271 Decker Road.

Atty. Sessler distributed photographs of the Munson property that were taken earlier in the week, from the Graf property, showing what is taking place.

Sessler stated that the Livingston County Planning Department had discussed and reviewed the site plan application and that several issues have come up. He handed out a copy of the department's letter, in which he high-lighted what he feels are issues brought up by the Planning Dept.

Atty. Sessler commented on Federal wetlands and flood plain to the west (as referenced by the Cty. Planning Board) and that runoff from the Munson property drains onto his client's property and under the driveway down to the creek. He feels the board should discuss drainage and how it's going to effect the Federal wetlands.

Atty. Sessler then discussed some of the SEQR questions and his answers to them. His analysis shows this as a Type I Action and suggested there be an environmental review done on this property. He gave examples of previously found Type 1 and Type 2 actions. He also suggested the board consider substantial enhancement to have a sound barrier and dark-sky compliancy. He discussed siganage and drainage.

Chair. R. Bennett asked Atty. Sessler to give the board a copy of any written overall synopsis by April 1, 2013.

Sessler agreed to do that.

D. Simpson asked Mr. Munson what he proposes to do with the slab wood.

Ron Munson stated he will continue to put it in a dump truck and sell it as fire wood. He will cut the slabs inside the proposed building.

B. Brooks asked what he is doing now with the sawdust.

Ron stated that he mixes it with topsoil, it is a seasonal thing. When he has the building he will sell sawdust alone. The sawdust bin will be 16' x 20' x 14' high, it will be under cover of the roof. Sawdust will be collected into bins.

**LIVONIA JOINT PLANNING BOARD
MEETING MINUTES - March 25, 2013**

Page 3 of 6

Acting Town Attorney, Gregory Nearpass, wanted to address Mr. Sessler's comment regarding #3 on the letter from the Livingston County Planning Department. "It clearly states their review and comments are for site plan only.

Chair. R. Bennett asked for further questions or comments from the public. Hearing none, he closed the public portion of the meeting.

Chair. explained that the board members will further discuss this application at their next meeting, which will be April 8, 2013 and will not be a public hearing, however written comments will still be received until April, 1, 2013.

Acting Atty. Greg Nearpass exited the meeting and Town Atty. Jim Campbell arrived at 7:30 p.m.

Steve Gerould approached the board to explain his request for site plan approval for a barn converted into a party house at 6758 Big Tree Road.

Steve distributed a handout to the board members explaining that Joe Yantachka was given a use variance to do the same in 2009 but never followed through with the business. Steve and his wife purchased the property in 2010.

Steve then showed the current property layout of the white barn, the red barn and two silos along with his plan for the barn. They want to rent out the red barn to people for weddings, receptions, graduation parties, and other such occasions. They do not intend to use party tents, everything with take place within the red barn after the interior is remodeled. They propose to build a deck/porch around a portion of the barn. He pointed out the parking area. There is a tree border along the west side of the parking lot area. They would like to have music be allowed within the barn, not outdoors. Steven intends to use the white barn for personal use.

D. Simpson asked what his plan is for lighting.

Steve replied, "What ever you want as a board, I can easily put up lights. I could put lights on the white barn, along a path."

Kevin Masterson asked if there was a light at the corner of Big Tree Road and Woodruff Road.

Answer was yes.

Kevin stated that more lighting may not be good in the Neighborhood Residential Zoning District, so any lighting should be carefully considered.

Atty. J. Campbell suggested temporary lighting only on the evening of an event might work well.

J. Palmer stated that this site plan sounds to have less impact than the one that Joe Yantachka received approval for in 2009. The board members agreed.

Parking will be on the grass. It is flat and there is a brush butter along the front property line. A grading/drainage plan will be required if Mr. Gerould decides to put down stone or blacktop. Kevin explained that for every 1,000 sq. ft. of entertainment area, 20 parking spaces are required.. Drainage will not be an issue as long as the parking area remains grass. He expects that some occasions will extend until midnight.

Scott is going to talk to neighbors on the west side to discuss type and quantity of shrub or bushes he will plant along property lines. He may put in a berm with 3' trees. He will eventually install a sign. He does not expect to begin holding events until 2014.

K. Masterson stated that the board should consider placing a condition on any approval, that Mr. Gerould return to this board after one year of operation for review, for music to be contained within the building, the limit on hours of operation to be until midnight. The site plan should show the proposed location of where the 120 car parking area will be, location of a single access driveway along the white barn, the location of the berm along the property line he shares with the Leones (or some sort of buffer) and shall return for review one year from the time the business starts.

This application was referred to the Livingston County Planning Department. Their only comment was questioning how traffic would be controlled during events. Kevin asked Steve if there would be lines indicating parking spaces or will there be a parking attendant available to assist in parking? He suggested a parking attendant.

Chair. Bennett asked for questions of comments from the board. There were none.

The Board reviewed the Short Environmental Assessment Form, Part II for SEQR.

3.	No	C5)	No
4.	No	C6)	No
C1)	No	C7)	No
C2)	No	D)	No
C3)	No	E)	No
C4)	No		

M/2/C (J. Palmer/B. Brooks) to declare a negative declaration on SEQR based upon the findings. Motion carried 6-0.

M/2/C (J. Palmer/R. Haak) to waive the public hearing. Motion carried 6-0.

M/2/C (B. Brooks/C. Casaceli) to grant final approval for site plan with the following conditions:

- For music to be contained within the building
- The limit on hours of operation to be until midnight.
- The site plan should show the proposed location of where the 120 car parking area will be
- The single access driveway shall be shown along the white barn.
- For there to be a berm along the property line he shares with the Leones (or some sort of buffer) including evergreen shrubs.
- That Steve return to the Planning Board for a one year review after the start of operation.

Motion carried 6-0.

Surveyor, Rich Meyer came forward, representing his client, **Lawrence Benson**, to request a 2 lot subdivision on Bronson Hill Road. There is a one-story framed structure on the parcel known as Lot #1 and Lot #2 consists of a manufactured home and 4 accessory buildings. Public water is available at the road. There is an existing driveway to Lot #2 that also currently services the Lot #1 structure.

This application had been referred to the Livingston County Planning Department for review and comment. They determined there was "No Significant Countywide Impact" and approval or disapproval of this application is a matter of local option. The map shows a new driveway location for Lot #1.

Kevin stated that the building on Lot 1 conforms to all setback regulations, it's on public water, grading exists & none are planned. Any future septic system would be approved by the Livingston County Health Dept. The board can consider this to be a site plan application as well as a subdivision application.

Chair. Bennett asked for questions of comments from the board. There were none.

The Board reviewed the Short Environmental Assessment Form, Part II for SEQR.

- | | | | |
|-----|----|-----|----|
| 1. | No | C5) | No |
| 2. | No | C6) | No |
| C1) | No | C7) | No |
| C2) | No | D) | No |
| C3) | No | E) | No |
| C4) | No | | |

M/2/C (J. Palmer/B. Brooks) to declare a negative declaration on SEQR based upon the findings.
Motion carried 6-0.

M/2/C (J. Palmer/R. Haak) to waive the public hearing.
Motion carried 6-0.

M/2/C (C. Casaceli/D. Simpson) to approve the site plan as presented
Motion carried 6-0.

M/2/C (J. Palmer/C. Casaceli) to approve the subdivision as presented.
Motion carried 6-0.

Barry Carestio came forward on behalf of his client, **Gary DeBolt**, for a two lot subdivision on Federal Road.

Barry passed out final subdivision maps, it has not changed since the members last saw it on March 11, 2013.

The driveway for Lot B, having southerly access, has been added to the map.
There is 70' from the property line to the pond on Lot B
There is no culvert, they will have to get a county permit for Lot A.
Note #4 on the map reflects a waterfall on parcel B.

Chair. Bennett asked for questions or comments from the board. There were none.
The Board reviewed the Short Environmental Assessment Form, Part II for SEQR.

- | | | | |
|-----|----|-----|----|
| 1. | No | C5) | No |
| 2. | No | C6) | No |
| C1) | No | C7) | No |
| C2) | No | D) | No |
| C3) | No | E) | No |
| C4) | No | | |

M/2/C (J. Palmer/B. Brooks) to declare a negative declaration on SEQR based upon the findings.
Motion carried 6-0.

M/2/C (J. Palmer/R. Haak) to waive the public hearing.
Motion carried 6-0.

M/2/C (D. Simpson/B. Brooks) to grant final approval on the 2 lot subdivision as presented.
Motion carried 6-0.

M/2/C (D. Simpson/R. Haak) to adjourn the meeting at 8:30 p.m.
Motion carried 6-0.

Respectfully submitted,

Tammie Schwerzler
Recording Secretary