

Present: Chair. R. Bennett, D. Richards, J. Palmer, C. Casaceli, R. Haak, D. Simpson, B. Brooks, K. Masterson - Code Enforcement Officer & T. Schwerzler - Recording Secretary

Excused: J. Campbell - Town Attorney

AGENDA: - - *Stephen Born*
- *Poplar Hill Road*
- *Site Plan - Single family residence*
- *Preliminary/Final*

- *Gary P. DeBolt*
- *West side of Federal Road, 200+ south of Harder Road*
- *2 Lot subdivision*
- *Preliminary*

Chair. R. Bennett opened the meeting at 7:02 p.m.

Chair. R. Bennett asked the board to review minutes of the February 25, 2013 meeting. M/2/C (B. Brooks/J. Palmer) to approve the February 25, 2013 Livonia Joint Planning Board meeting minutes as submitted.

Motion carried 7-0.

Chair. R. Bennett invited **Steve Born** to approach the board to explain his request.

Steve stated that he has supplied the board members with a site plan map which indicates the property in question to be approximately 210' north of the Village line on the west side of Poplar Hill Road. It is .468 of an acre. It is his intent to construct a single family cape cod. The proposed residence will be within the setback requirements according to the Livonia Town Code.

Kevin Masterson distributed photos provided by Mr. Born. He reminded the board that they approved of the subdivision of this property at a previous date.

J. Palmer asked if this is a modular home.

Mr. Born replied "yes, the second story will be unfinished."

There will be public water and sewer. The water hydrant is across the road.

K. Masterson stated that this site plan will meet all access management standards and setbacks.

Chair. R. Bennett stated that drainage doesn't seem to be an issue.

Steve said "not at all."

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/D. Richards) to declare a negative declaration on SEQR based upon the findings.
Motion carried 7-0.

M/2/C (B. Brooks/R. Haak) to waive the public hearing.
Motion carried 7-0.

M/2/C (B. Brooks/J. Palmer) to grant final approval for site plan as presented.
Motion carried 7-0.

Barry Carestio came forward to request a two (2) lot subdivision for his client, **Gary DeBolt**. The property in question is on the west side of Federal Road, 200'+ south of Harder Road. The parcel is 39+ acres and is in the Agricultural Conservation Residential (ARC-5) Zoning District.

He described the proposed two lots as follows:

Parcel A:

To consist of 20.269 acres with a 146.96' frontage and would meet the required 350' frontage further back on the Agricultural Residential Conservation (ARC-5) Zoning District. The property is vacant, wooded, has a gully and hay being raised on it. It will be conveyed to other individuals.

Parcel B:

To consist of 19.361 acres with a 178.20 frontage and would meet the required 350' frontage further back on the Agricultural Residential Conservation (ARC-5) Zoning District. There are sheds and a pond on the proposed parcel. It consists of brush, woods and a gully. This parcel will be conveyed to family.

An aerial photograph was distributed in which the pond, a hedgerow and woods were visible.

Chair. Bennett asked what distance is required between a pond and a property line.

Kevin answered twenty-five (25) feet.

Barry stated that there are about ninety-five (95) feet between the pond and the property line with a nice wooded area west of the gully.

This was previously the McKibben farm.

This application will be referred to the Livingston County Planning Department for their review and comment.

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

The board accepted correspondence from Fix Spindelman Brovitz & Goldman, Attorneys at Law regarding Ronald Munson.

M/2/C (J. Palmer/D. Simpson) to adjourn the meeting at 7:35 p.m.

Respectfully submitted,

Tammie Schwerzler
Recording Secretary

/ts

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.

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

Present: Chair. R. Bennett, J. Palmer, C. Casaceli, R. Haak, D. Richards, B. Brooks & K. Masterson - Code Enforcement Officer

Others present: Greg Nearpass - Acting Town Attorney

EXCUSED: D. Simpson & T. Schwerzler - Recording Secretary

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

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

Chair. R. Bennett asked the board to review minutes of the March 25, 2013 meeting. M/2/C (B. Brooks/R. Haak) to approve the March 25, 2013 Livonia Joint Planning Board meeting minutes as presented.
Motion carried 6-0.

Chair. R. Bennett invited Ron & Aaron Munson (Finger Lakes Timber Co., Inc.), accompanied by Attorney Reuben Ortenberg, to approach the board to discuss their site plan application.

Chair. Announced that the previous public hearing was closed and any further written comments could have been submitted by April 1, 2013, which do include comments from the Town Engineer, The Livingston County Water Shed inspector, Attorney Steve Sessler, Attorney Reuben Ortenburgh, the Livingston County Planning Department and written public comments signed by numerous citizens.

Chair. Stated the board would now review and discuss the SEQR process and referred to Acting Town Attorney, Greg Nearpass.

Greg explained the differences between Type I, Type II and Unlisted SEQRA actions fore the benefit of the board.

This particular action tonight is classified as an unlisted action because the thresholds outlined dictate it as such. The Planning Board & County Planning Department both agree this application is considered an unlisted action.

Greg noted the particular Type I threshold issues, as mentioned by Atty. Steve Sessler, are not applicable to this application, therefore it's considered an unlisted action.

Greg further stated that the Planning Board's actions & responsibility as lead agency, remain the same, whether a Type I or unlisted action.

It is the Board's responsibility to undertake a thorough discuss and review of potential environmental impacts from the project.

Chair. Bennett asked the board members to refer to the Part II SEQR form and the draft negative declaration. He read Part II criteria and Planning Board members commented on each potential adverse effect (see attached).

Chair. asked for a motion on a determination of significance.

M/2/C (B. Brooks/J. Palmer) to declare a Negative Declaration on SEQR (see attached)
Motion carried 6-0.

Chair. Bennett stated the board would now address the Site Plan application before them.

Chair. asked Mr. Munson if he wished to address the board with any additional comments.

Ron stated they are willing to install an 8' high wood stockade fence along their western property line approximately 400' long. He stated the board had previously discussed placing trees along the same area. He feels the fence would offer a more immediate visual solution. He also offered, upon comment from Steve Sessler to return the fence 30' on the north line which would enable future maintenance of the drainage ditch. There would still be trees planted along the berm at Decker Road. He agrees to install the stone lined drainage ditching from the pond as mentioned by Town Engineer & Cathy Higgins, Water Shed Inspector. Additionally, more stone would be placed on the north side of the building up to the drainage ditch, flowing onto the Graf's property. The Water Shed Inspector had also recommended some stone fill along the existing western property line drainage.

Chair. R. Bennett stated the recommendation of the County & Town Engineer would be required, to help mitigate any impacts from erosion.

Chair. Asked Ron to explain his submitted floor plan of the building. There were some concerns for location of doors on the building.

Ron stated overhead doors would be on the south side and portions of the east side. Saw dust would be collected in a concrete bin with a door for removal of saw dust. The building would be fully enclosed except for the log loading deck platform. They however, will install a plastic curtain buffer.

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MEETING MINUTES - April 8, 2013

There would be some windows on the west side of the building to offer some natural light.

B. Brooks asked if the building would be insulated.

Ron stated no, not at this time, however if the noise concern became an issue, he would address it.

C. Casaceli asked if outdoor lighting was planned.

Ron stated there is an existing light pole now that would remain and some individual lighting would be at each door.

Chair. Asked the board to review the draft Site Plan conditions A-J. In addition to these, the board wanted the pond berm to be seeded and mulched as soon as possible.

Ron stated they need to re-grade the berm with topsoil prior to seeding and mulching.

Chair. Stated that he had concerns for the berm settling with trees on it. He would prefer to see evergreen bushes planted on top of the berm. He also agreed that an 8' high fence along Graf's property is a better option for all concerned.

Chair. Had concerns for life expectancy of evergreen plants and asked Kevin Masterson what is normally done. Kevin stated a letter of credit for the landscaping or a written one (1) year guarantee from a nursery supplying stock would suffice.

Atty. Steve Sessler asked Chair. if the berm along Decker Road was in the Town highway right-of-way.

Kevin stated Livonia Highway Superintendent, Dave Coty, was aware and has approved of its location.

Chair. Asked the Board about limiting Munson's business operational hours. Working on Sundays was discussed by the Board. It was determined previous conditions never limited days of the week only hours of operation.

Greg Nearpass stated no workday restrictions were ever imposed, and the board concurred.

Aaron Munson stated they rarely do work on Sundays, only occasionally if a buyer from far away necessitates such. We have families too and don't want to be working seven (7) days a week.

Chair. Asked Aaron to explain again the log loading into the building as shown on the building floor plan.

Aaron explained the loading dock area for the logs to be placed within the building. He stated this area would be the only open portion of the building during operation, but would have a plastic curtain buffer as previously stated.

Chair. Bennett and the board discussed additional conditions other than those items A - J.

- All doors to the building shall be closed, except for the log loading dock area which can remain open during operation of the mill, but will have a plastic curtain buffer.
- There shall be a guarantee period of one (1) year from the date of planting for nursery plantings.
- No Certificate of Compliance shall be issued for the project completion until all above conditions are met.
- All site construction shall be in accordance with the Town of Livonia Design Criteria & Construction Specifications for Land Development.
- Applicant shall return in one (1) year to review conditions.
- All construction shall comply with the Conesus Lake Water Shed Regulations.

M/2/C (J. Palmer/R. Bennett) to approve the Finger Lakes Timber Co., Inc. Site plan with the above conditions.

Motion carried 5-0.

M/2/C (B. Brooks/R. Haak) to adjourn the meeting at 8:30 p.m.

Motion carried 5-0.

Respectfully Submitted,

Kevin P. Masterson
Acting Recording Secretary

KPM/ts

Present: Chair. R. Bennett, J. Palmer, C. Casaceli, D. Simpson, K. Masterson - Code Enforcement Officer & T. Schwerzler - Recording Secretary

EXCUSED: R. Haak, B. Brooks, D. Richards & Town Atty. Jim Campbell

AGENDA: - *Matt Cole*
- *3142 Bronson Hill Road*
- *Office Expansion*
- *Modification to a previously approved Site Plan*

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

Chair. R. Bennett asked the board to review minutes of the April 8, 2013 meeting. M/2/C (J. Palmer/C. Casaceli) to approve the April 8, 2013 Livonia Joint Planning Board meeting minutes as presented.

Motion carried 4-0.

Chair. R. Bennett invited **Matt Cole** to approach the board to discuss his request for modification to a previously approved site plan application at 3142 Bronson Hill Road.

Matt explained the handout materials, he pointed out the current 12' x 56' trailer used as an office and wishes to place an identical 12' x 56' trailer adjacent so they will have an office space of 24' x 56' for the employees of the Purdue operation. Purdue has determined they need more space. They will removed the handicap ramp and replace it at a new location on the proposed trailer. Additionally, they will need to install new electric and plumbing. They are not increasing the number of employees so the existing parking area is still sufficient. They will utilize the new space for files and a small meeting room.

Kevin asked Matt if the jersey barriers on the site plan map are accurately placed. Answer was yes, it outlines the parking area.

Matt stated that Purdue continues to grow their business, they're doing quite well.

The property in question is on a county road, however it is not required to send the application to the Livingston County Planning Department as it is a request for modification to a previously approved existing site plan.

M/2/M (J. Palmer/C. Casaceli) to waive the public hearing.
Motion carried 4-0.

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/D. Simpson) to declare a negative declaration on SEQR based upon the findings.
Motion carried 4-0.

M/2/C (D. Simpson/J. Palmer) to grant final approval for modification to an existing site plan for the placement of a 12' x 56' office trailer to be used for additional office space.
Motion carried 4-0.

M/2/C (J. Palmer/D. Simpson) to adjourn the meeting at 7:30 p.m.

Respectfully,

Tammie Schwerzler
Recording Secretary

/ts

Present: Chair. R. Bennett, R. Haak, B. Brooks, D. Richards, C. Casaceli, D. Simpson, K. Masterson - Code Enforcement Officer, Town Atty. Jim Campbell & T. Schwerzler - Recording Secretary

EXCUSED: J. Palmer

AGENDA: - *Peter Barnard*
- *Rte. 20A*
- *2 lot subdivision*
- *Preliminary/Final*

Chair. R. Bennett opened the meeting at 7:00 p.m.

Chair. R. Bennett asked the board to review minutes of the April 22, 2013 meeting. M/2/C (D. Richards/D. Simpson) to approve the April 22, 2013 Livonia Joint Planning Board meeting minutes as presented.
Motion carried 5-0.

Chair. R. Bennett invited **Peter Barnard** to approach the board to discuss his request for a two (2) lot subdivision.

Peter explained that he has a total of 59 acres that he'd like to subdivide into parcel A, consisting of 31.25 acres and parcel B consisting of 28+/- acres, in which Route 20A will divide northerly and southerly. He is ready to sell the property. He resides at 4537 Main Street in Hemlock.

Board member, Robbyn Haak, arrived at 7:03 pm.

This application was referred to the Livingston County Planning Department for their review and determined that it has no significant Countywide or inter-municipal impact in regard to existing County plans, programs and activities. Therefore, approval or disapproval of this application is a matter of local option. It had also been referred to the Town of Richmond, with no reply. The property will remain in an Agricultural District.

M/2/C (D. Richards/B. Brooks) to waive the public hearing.
Motion carried 6-0.

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

M/2/C (D. Richards/R. Haak) to grant final approval for a two (2) lot subdivision as presented.
Motion carried 6-0.

M/2/C (B. Brooks/D. Simpson) to adjourn the meeting at 7:15 p.m.
Motion carried 6-0.

Respectfully submitted,

Tammie Schwerzler
Recording Secretary

/ts

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MEETING MINUTES - June 24, 2013

Present: Acting Chair. **D. Richards, R. Haak, B. Brooks, J. Palmer, C. Casaceli, K. Masterson - Code Enforcement Officer & T. Schwerzler - Recording Secretary**

ABSENT: Chair. **R. Bennett, D. Simpson, Town Atty. Jim Campbell**

AGENDA: - **Ed Dutra**
- **11 Commercial Street**
- **Site Plan**
- **Two 2-bedroom apartments**

Acting Chair. D. Richards opened the meeting at 7:05 p.m.

Chair asked the board to review minutes of the May 13, 2013 meeting. M/2/C (B. Brooks/R. Haak) to approve the May 13, 2013 Livonia Joint Planning Board meeting minutes as presented. Motion carried 5-0.

Chair. asked applicant, Ed Dutra, to explain his application for the construction of two (2), two bedroom apartments at the existing two story building located at 11 Commercial St.

Ed has a purchase offer submitted on the property which currently has a hair salon and real estate office on the first floor and the second floor is vacant and never been used or occupied. He would like to create two apartments on the second floor and understands he must obtain site plan approval to move forward.

K. Masterson explained to the board that this would be considered a mixed use occupancy which is a permitted use in the Village Commercial Core Zoning District. He also explained to the board that the existing second story has never been occupied since it was built upon the existing first floor building. Masterson stated there will be requirements to have the structure approved and designed for second floor use by an engineer or architect as part of the building permit application.

Ed stated to the board that he felt this is an obvious good use of the second floor space, really not inducive to second floor commercial use. He plans on restoring the front facade and the remaining exterior sides.

K. Masterson stated to the board that this is a limited site plan review since the building already exists, there are no drainage issues or similar impacts normally associated with a new project from the ground up. The only possible items that could impact the area are parking and garbage refuse concerns. Ed will have to contact the county water & sewer authority to discuss new service connections.

Ed shared colored photos of the building and Google maps showing the building's location on

Commercial Street and the available public parking lot to the rear and other village parking lots. He also showed the location of the existing garbage dumpster that now services his next door property at 13 Commercial St. and 7 Commercial St. and Twisters. He would expect these apartment tenants would use this same dumpster since it's supplied by the Village. He reminded the board that he lives on West Ave. in the Village and is a local, responsible landlord.

C. Casaceli asked K. Masterson if one exit was enough from the proposed second story apartments. Answer was yes but the windows would have to meet NYS egress requirements. In addition Ed would have to supply engineered drawings of the apartment and existing building for compliance with applicable codes such as heating, electric and mechanicals.

K. Masterson stated the Mayor, Cal Lathan, is here tonight to address the board on this application with some concerns the Village Board has. Cal stated Ed is a good landlord/property owner in the Village but he has concerns to the impacts to the Village from having more apartments which bring issues such as garbage pickup and parking needs. Cal and Ed explained the history of the garbage issues on this property that did create problems but have been resolved since the Village installed dumpsters at different locations in the business areas.

Cal is concerned that two more apartments will only increase garbage problems. He felt the apartments would increase parking needs. He said apartments bring a whole set of problems to the Village business area, they are usually low income tenants. The Village is participating in a Main Street revitalization grant and fears more apartments are not compatible with this goal.

D. Richards asked if the Village pays for this garbage pickup service. Cal said yes. It's under a contractual agreement with Shanks Enterprises.

B. Brooks did not know that some businesses pay for their own garbage service while others' are paid for by the Village. He did not understand the concept or rationale.

Ed addressed the board with Cal's comments and said he's been a very good landlord and has a good tract record, "Just look at this building's appearance." He takes pride in his properties and will enhance the general appearance of this new real-estate purchase. He asked, "Do you want the building to remain in its current state of disrepair or see it revitalized?" He will participate in the grant program and wants to totally improve the street-side facade.

Cal stated he's not here to offer any solutions but to just voice the Village Board's concerns regarding more apartments.

Cal and Ed further exchanged comments regarding parking and garbage issues.

K. Masterson asked the board to discuss these issues as part of their review and agree that there appears to be only two issues for the board, parking and garbage. The board should ask Ed if he can mitigate these impacts. There was discussion on available parking spaces and possible solutions to the increase in garbage collection generated from the apartments. There was discussion on having fewer bedrooms that would lessen the impacts. Ed seemed agreeable if this was a solution.

Acting Chair D. Richards thanked the two gentlemen and said the Board will discuss this matter under consideration and make a decision.

Board members discussed the issues and a possible resolution to allow the use of the second floor as apartments. It was decided that two(2) one (1) bedroom apartments can lessen the talked about impacts. As for the garbage concerns, the Board felt this is really a matter for the Village Board and their contractual agreement with Shanks. There is enough available parking especially since they would be one bedroom units.

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 5-0.

Chair asked for a motion on the application for site plan.

M/2/C (B.Brooks/C. Casaceli) to approve the application for site plan with the conditions that it be for two(2) one(1) bedroom apartments, that all exterior areas on the building be improved visually and that special attention be given to the street facade portion. Any future garbage refuse collection issues to be addressed by the Village Board and their contractual agreement with Shanks Enterprise.
Motion carried: 5-0.

M/2/C (B.Brooks/C.Casaceli) to adjourn the meeting at 8:15 p.m.
Motion carried 5-0.

Respectfully submitted,

Tammie Schwerzler
Recording Secretary