

LIVONIA JOINT PLANNING BOARD
MEETING MINUTES
October 27, 2014

PRESENT: Chair R. Bennett, J. Sparling, C. Casaceli, J. Palmer, D. Simpson, R. Haak, D. Richards, Code Enforcement Officer A. Backus, Recording Secretary J. Brown, Town Attorney J. Campbell

AGENDA: Approve the meeting minutes of September 22, 2014

-Mary Allison

Concept plan review requested for a home occupation in an accessory building located at 3650 Livonia Center Rd., Livonia, NY

-Chris Ramsey-Ramsey Construction

Concept plan review requested to build an accessory storage building located at 5711 Gateway Park, Lakeville, NY

-Richard Riedman

Concept plan review for a 3 lot subdivision located at McPhersons Point, Livonia, NY
92.30-1-39.11

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

Chair asked board members if they had reviewed the September 22, 2014 meeting minutes, and asked for a motion to approve them.

M/2/C (J. Palmer/ R. Haak)

Motion carried 7 -0

Chair R. Bennett asked **Mary Allison** and her husband **Ralph Allison** to come forward and explain the request. CEO A. Backus said that he visited the site and explained his findings to the board- that it is a pre-existing accessory building she plans to use for the antique shop. He directed the board members to reference the site plan sketch that Mary provided, to best show where she plans to place parking and a safe walkway.

Chair Bennett said that his understanding is that this accessory building is 10% of her primary residence on the property-Mary confirmed.

Ralph said that he does not expect a large amount of traffic and thinks that the proposed shed and parking area will be 40' from the rear property line.

R. Haak asked the Allison's if they plan to have signage for the antique shop. Mary said that at least this year they hope to just start with a 'sandwich/ A-frame' type sign that will probably be out by the road during business hours. They would potentially be interested in permanent signage in the future if the business does well. A. Backus explained that signage is permitted within certain guidelines that can be discussed.

J. Palmer asked about lighting on the building or the sign. Mary said that there will be no lighting on the sign and she will only be operating during daylight hours. A. Backus said that they have discussed lighting and having a light shining on the proposed walkway. The walkway will be finely compacted gravel to mitigate a trip hazard.

J. Palmer asked if she would feature any of the items for sale on her front yard. Mary said no, all items for sale will be enclosed in the antique store/ shed in back of the property.

J. Sparling asked for more clarification about the temporary sign.

Ralph Allison said that their plan is to have this be a very casual, small scale business but they want to do things right.

Chair Bennett referenced Section 150-66 in the Code of the Town of Livonia and read aloud the following:

A home occupation is any occupation or profession, excluding retail sales to customers of motor vehicle repairs on the premises, which:

- A. Can be conducted without substantial change in the appearance, character or traffic generation of the residence.
- B. Is carried on by a member of the household residing in the dwelling unit.
- C. Is clearly incidental and accessory or secondary to the use of the dwelling unit for residential purposes.

The board was in agreement that Mary's proposal met the above criteria and as long as Mary's final site plan meets these guidelines, it should be acceptable.

Mary said that she's spoken to her neighbor behind her and she has no objections.

Chair Bennett said that there is a Mixed Use Hamlet District very close, within a half mile from her property, which has retail operations in it.

Chair Bennett explained that this proposal will need to go to the Livingston County Planning Board for their review, then the Livonia Joint Zoning Board of Appeals will need to grant a variance before the Planning Board can give site plan approval. CEO A. Backus asked Mary to contact the Building and Zoning office the following day to proceed with the steps.

Chair Bennett asked **Chris Ramsey** to come forward and explain his request. Chris said that he is looking to build a 40'x50' accessory building to be used by his business, Ramsey Construction. He explained that the building would be brick to match everything that they've already constructed on the property. Chris passed out a topographic map along to the board members for their review and explained that the proposed building will not be heated and will be used primarily for storage.

J. Palmer said that the county will be concerned about the proposed building being dark sky complaint. Chris said that he will include their compliance in detailed plans for site plan approval.

D. Simpson asked about how they plan to landscape, if there would be a natural barrier to the surrounding properties. Chris said that they plan to make a green fence, which would be a barrier made of trees and shrubs.

C. Casaceli asked how they plan to access the proposed building. Chris said that the whole lot in front will be parking. They will access through the existing parking lot.

J. Sparling asked when they want the building to be completed by. Chris said that they plan to have it constructed and finished this fall.

A. Backus explained that they will work on the referral to the Livingston County Planning Board and proceed from there.

Chair Bennett asked **Richard Riedman** to come forward to explain his request, he is accompanied by his sister Theresa Eckert and his hired surveyor Kevin O'Donoghue. Kevin started off by referencing Section 115 of the New York State Realty Subdivision Law – Town

Attorney Jim Campbell asked to review the material Kevin has brought and is referencing, while the board continues the discussion.

Rich Riedman said that the original plan has been scaled back due to family disagreement as well as the lack of a long-term objective for the entire property. Rich stated that they wish to proceed with the original plan of only subdividing the parcel on the east side of McPherson's Point. They will adhere to the original 2-lot only split with easements, rather than ownership strips to Conesus Lake.

J. Campbell stated that, in reference to the NYS Law that Kevin handed him, they are referring to public health law and that it does not apply as the local governing body has the authority to make requirements as necessary. J. Campbell further stated that whatever the board feels necessary would be fine- whether they deem this a major or minor-they can say this is a minor subdivision with areas of concern such as flooding or drainage.

Chair Bennett asked the board to review the survey map that the surveyor Kevin has brought tonight. Chair Bennett asked CEO A. Backus that if they treat this as a minor subdivision, then should the board then make a clause limiting future subdivision.

R. Haak stated that the board should absolutely place a clause on any future subdivision.

J. Campbell explained that the reason for this stipulation is that it will prevent someone from doing a series of multiple minor subdivisions and then you end up with a major subdivision when all is said and done. He stated that not only does it help the Riedman's but it protects the Town of Livonia.

J. Sparling asked if McPhersons Point is a private road. Rich stated that yes it is a private road. Chair Bennett said that from their previous meetings, the board still has no issue with the 2 lot split but their issue was with the ownership strips and tonight's proposed easement strips fix that.

J. Campbell said that the Riedman's will need to work with perspective buyers to figure out what works best between the two parties. J. Sparling asked if the Riedman's would have any say to how many boats and lifts would be permitted.

J. Campbell said that it would be a good idea to specify in the deed what would be allowed on the easement strips.

J. Sparling expressed his concerns that someday, down the road if someone else buys the large parcel, they then own the strips and how do they manage that?

J. Campbell said that the wording should refer to the dock and moorings law and that the easements should carry with the land.

Chair Bennett asked if we should waive the public hearing- R. Haak said no-we will require a public hearing for this proposal.

J. Palmer asked if any other issues need addressing- the board determined that due to the note on the survey map stating that any future building needs site plan approval, the board could require any future applicants, looking to build on the proposed subdivision, to address drainage concerns from development.

Chair Bennett clarified with A. Backus, that the Livingston County Planning Board would be contacted to explain to Heather Ferrero about the easements rather than the original plan of ownership strips.

Chair Bennett said the consensus on the Planning Board is, that this is a major subdivision but it is up to the Code Enforcement Officer A. Backus to make the determination whether this is a major or a minor subdivision.

CEO A. Backus stated that he wants the Planning Board to give input and wants their help in making the determination. J. Sparling stated that his concern is drainage and he proposed treating today's proposal as a minor subdivision with a note on the survey map stating that any future subdivision of the large remaining lot would be considered a major subdivision, and another note stating any and all lots require site plan approval prior to residential development. This map does not give automatic building approval and any future development will require site plan approval to include detailed flood plain and drainage provisions with drainage easements.

It was determined that there will be a public hearing on this proposal at the November 24th Planning Board meeting. Chair Bennett was going to call for a motion to adjourn the meeting when Dennis Tybor came forward and identified himself as a perspective buyer. He voiced his concern of buying a property he cannot build on. A. Backus explained that it would be difficult to expect the Riedman's to know what type of development would be proposed in the future, therefore any drainage plans would be challenging to depict at this point in the subdivision proposal. J. Palmer said that so much is contingent upon what type of development happens, even regarding a gravel versus a paved driveway. Upon discussing the survey map presented at tonight's meeting, A. Backus explained that this evening was the first time he'd seen the Riedman's new survey map. A. Backus stated that the North Creek is not depicted on this map provided by the surveyor-and the final map will need to include that detail.

Chair Bennett stated that there will need to be a provision during the public hearing deliberation, that the board will put a contingency that a drainage easement going across the big parcel to the lake must be included in any site plan approval.

Recording secretary J. Brown will place a legal ad for the public hearing to be held on November 24, 2014

Chair Bennett asked if there were any further comments- hearing none a motion was made to adjourn the Livonia Joint Planning Board Meeting at 8:50 pm.

M/2/C (D. Richards/ J. Palmer)

Motion carried 7-0

Respectfully submitted,

Jeanne Brown
Recording Secretary