

LIVONIA JOINT PLANNING BOARD
MEETING MINUTES
November 10, 2014

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

AGENDA: Approve the meeting minutes of October 27, 2014

-Chris Ramsey-Ramsey Construction

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

Rocco Venezia (surveyor), Vince Masci

Concept plan review requested for a 2 lot subdivision 4666 Main St. Hemlock, NY 14466

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

Chair asked board members if they had reviewed the October 27, 2014 meeting minutes, and asked for a motion to approve them.

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

Motion carried 6 -0

Chair Bennett asked **Chris Ramsey** to come forward and explain his request. First, Chair Bennett asked if the board would consider a motion to waive the public hearing. (J. Palmer/ D. Richards) and motion carried 6-0 to waive the public hearing for this site plan approval.

Chris said that as discussed in their concept plan review meeting, the plan is to construct a 40'x80' pole barn for storage purposes at 5711 Gateway Park for Ramsey Construction.

D. Simpson said that this really would be an improvement project as it would allow all of the items stored outside currently, to be stored safely inside this proposed building.

Chair Bennett made a motion to review the SEQRA form but not finding one, there was a pause in the meeting while J. Brown went to look for it.

During this pause it was decided to switch to the other case on the agenda for this meeting: Vince Masci and Rocco Venezia- 4666 Main Street in Hemlock.

Rocco Venezia (surveyor for Vince Masci) came forward to explain the request. Rocco stated that Vince has owned the property for a long time and it has been used for storage. Rocco explained that currently, Vince has a storage customer who would like to buy the property but cannot afford both the existing buildings. Vince has also tried to sell the property with no success.

Rocco offered that parking issues may be resolved by cross easements.

Chair Bennett said that the only suitable use for these buildings that he can see is for storage. D. Simpson said that parking currently is limited to down the street and does not see that changing. D. Simpson also said that he agrees the only use could be for storage.

J. Sparling explained that if Vince is looking to change the use of the buildings he would need to come back to the board with another proposal, but he understands this as Vince just looking to split the lot into two separate properties with a building on each lot.

D. Simpson and Chair Bennett addressed CEO A. Backus with their concern that the only suitable use for these buildings is storage, and does A. Backus concur with that concern.

Chair Bennett stated that the Planning Board could put a stipulation on any approval, that if the use was proposed to be changed in the future, the applicant would need to come before the Planning Board to get approval. Chair Bennett stated that parking is also a major issue because there is none, but that is what is there and there's no other way to do it. Splitting the lot the way they are talking about would not exacerbate that issue it does not change anything as far as parking goes. If anyone wanted to develop the front in the future, all plans would need to go before the board as well.

CEO A. Backus said that as the property stands now, any owner now or in the future would have a better chance making alterations because there is technically more room and options available. If the lot is subdivided in two as proposed, it likely places more constraints on development and parking and loading.

J. Sparling said that due to the limit of 33.8' for drive through space there really is no parking available currently.

Rocco stated that if the subdivision was approved, their plan for parking would be to have cross easements to each parcel. Rocco stated that this is something that he has done in the past for other subdivisions. Rocco said that his proposal doesn't violate any setbacks other than the existing buildings that they can't do anything about. He said that if they [presumably the Zoning Board of Appeals] deny that request, he does not know what they will do.

Chair Bennett eluded that the variance request would not be self-created as the buildings and uses are pre-existing. D. Richards said that it is already a non-conforming use.

Chair Bennett asked CEO A. Backus if he had any other thoughts on the concept plan.

A. Backus said that someone would need to answer that no building or lot alterations would be allowed to increase the degree of non-conformity with the off-street parking and loading regulations of the Code of the Town of Livonia. A. Backus said that if we could satisfy those concerns of easements and parking, it would help the board be able to address that.

J. Sparling asked for clarification for the record, on why exactly this would need to go before the Zoning Board. A. Backus explained that it will need a variance due to the proposed increase in non-conformity.

Chair Bennett asked if the non-conformity concern would be the parking issue. A. Backus confirmed that yes that is the greatest concern. A. Backus said that it is difficult without knowing what will be happening in these buildings, and that he knew of one person that was interested in having a bottle redemption center there which would raise questions of where a loading truck would move in and out. A. Backus said that with that front unit being vacant, it's hard to know what the next customer is going to need.

J. Sparling asked if in the future someone wanted to change the use of the building, would they need to come before the Planning Board. A. Backus answered yes.

Chair Bennett said that he likes the idea of a cross easement, so that both buildings have equal access to the parking. He stated that any future development is somewhat limited anyway due to the minimal parking.

Rocco said that Vince has been trying for so long to do something with the property to no avail. Chair Bennett said that the board understands that but what they are trying to get at is that once you split the property into two, you limit yourself even more in a way. Rocco acknowledged that point but feels that the parking easement would mitigate some limitation.

A. Backus said that he will summarize that the board feels that there may be an issue past or present, with parking, and one solution may be cross easements and see what the Zoning Board of Appeals says about splitting up the lot. A. Backus explained to Rocco, that if the Zoning Board approves his proposal, then he would need to come back to the Planning Board for site plan approval.

CEO A. Backus said that Rocco and Vince need to work to satisfy the parking issue with the cross easements, and address the other challenges presented and that we will work with them to bring a proposal to the Zoning Board of Appeals. Rocco said that he will be in touch with CEO A. Backus to work on the ZBA application.

Ramsey Construction continued....

Chris Ramsey came forward again and Chair Bennett received a copy of the SEQRA form for the proposal that was sent to the Livingston County Planning Department.

Chair Bennett asked J. Brown if she and Adam had received feedback from the County on whether they felt this site plan was determined to be 'local option' or if they had comments and concerns. J. Brown confirmed that she and Adam had received verbal confirmation from Heather Ferrero that she and Bill Weber had deemed this to be of no significant county impact and thus, local option.

Chair Bennett said that again, the public hearing option was waived at the beginning of the meeting. Chair Bennett proceeded to go through the SEQRA form:

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? **NO**
2. Will the proposed action result in a change in the use or intensity of the use of land? **NO**
3. Will the proposed action impair the character or quality of the existing community? **NO**
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? **NO**
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? **NO**
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? **NO**
7. Will the proposed action impact existing public/ private water and wastewater treatment utilities? **NO**
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? **NO**
9. Will the proposed action result in and adverse change to natural resources? **NO**
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? **NO**
11. Will the proposed action create a hazard to environmental resources or human health? **NO**

Chair Bennett asked for a negative declaration on the SEQRA form: M2C (D. Richards/ J. Sparling)

Chair Bennett asked for a motion on the site plan approval
M/2/C (D. Richards/ J. Palmer)
Motion carried 6-0

Chair Bennett asked if there were any further comments- hearing none a motion was made to
adjourn the Livonia Joint Planning Board Meeting at 7:45pm.
M/2/C (D. Richards/ J. Sparling)
Motion carried 6-0

Respectfully submitted,

Jeanne Brown
Recording Secretary