

LIVONIA JOINT PLANNING BOARD
MEETING MINUTES
November 24, 2014

PRESENT: Chair R. Bennett, J. Sparling, J. Palmer, R. Haak, Code Enforcement Officer A. Backus, Recording Secretary J. Brown

ABSENT/EXCUSED: D. Richards, D. Simpson, C. Casaceli, Town Attorney J. Campbell

AGENDA: Approve the meeting minutes of November 10, 2014

-Richard Riedman (and Theresa Eckert)

Public hearing and site 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 November 10, 2014 meeting minutes, and asked for a motion to approve them.

M/2/C (J. Palmer/ J. Sparling)

Motion carried 4 -0

Recording secretary read aloud the legal notice for the public hearing:

PLEASE TAKE NOTICE that the LIVONIA JOINT PLANNING BOARD will hold a public hearing on Monday November 24, 2014 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Richard Riedman for site plan approval according to Section 125-6 E of the Zoning Code Of Livonia. The proposal is for a three (3) lot subdivision of the property located at 5734 McPhersons Point, Livonia, New York. The property is zoned Neighborhood Residential (NR). The application is on file in the Building Zoning Department in the Livonia Town Hall, 35 Commercial Street, Livonia, New York, for public review. All interested parties will be heard at this time.

Chair Bennett stated that the board will take comments from the public and opened the meeting to the gallery.

Bill Beikirch (5726 McPhersons Pt) addressed the board. Bill said that he is located east of Rich Riedman's property. Bill said that he understands the lots that are for sale are listed as Lot 3 and 4 and he was under the impression that if he (Rich Riedman) went to lot 5 it would be considered a major subdivision. He said his thoughts are that these are lots 5 and 6 and should not be considered a three lot subdivision. Bill said in 1977 he bought lot 1, which was the original yacht club and in 1988 he bought lot 2. In 2013, lots 3 and 4 were bought by Lockwoods and Smiths, therefore these are lots 5&6. Bill asked the board if there be any restrictions on what will be done with the right-of-way to the west of him, how big will it be, and who will own it and maintain it. Bill also asked the board, if the Riedmans do decide to sell a piece of lakefront property at a later date, who will guarantee it will conform to Zoning Code. Bill stated that he is concerned about the depreciation of his property by allowing another 'non-laker' to have access to the lake adjacent to his property. He is also concerned about dock and boat crowding. Bill said that he is also concerned about the lack of drainage in that area specifically because it is in a flood zone. Bill said that because the lots will need underground drainage flowing to the lake, will a drainage easement under that property to the lake have a sufficient enough pitch. Bill said that he wants to know if

the drainage easement be under the Riedman's property and is that something they will allow. Bill said that he understands that the drainage has to be above the lake level of 819'. He said that since the property is only 200' from the lake line- he does not see how the drainage could be above the lake.

Chair Bennett asked if there was anyone else that wanted to comment on the proposal.

Dr. Grama Jagadish (5742 McPhersons Pt.) addressed the board and said that he lives on other side of Riedmans property. Dr. Jagadish said that his concern is, if the Riedmans subdivide and sell that land, will he have a say in the matter. He said that he and his wife bought the property in 1989 and it is very quiet and safe place to stay and they would hate to see that change. Dr. Jagadish said that if the Riedmans give water access rights to the property, he does not want the right-of-way on the property line next to his property.

Steve Wider (5790 McPhersons Pt.) addressed the board and said his concern is the clarification of this being a three (3) lot subdivision and the idea of building behind the current homes and allowing 20' access to the lake. Steve said that McPhersons Pt. is a very special place and he does not have objection to people building behind him, but just has a problem with chiseling away at the lake front as to look like a pipeline. Steve said he is opposed to crowding the lake front.

Hearing and seeing no further public comment from the gallery, Chair Bennett closed the public hearing portion of the meeting.

Chair Bennett asked for comment from the board members.

R. Haak said that her concern is about the pitch to the lake and asked Dr. O'Donoghue (surveyor) if it's feasible to drain the properties to the lake.

Mr. Donoghue said that the Riedman's goal is to get these two lots subdivided and sell them and it would take a whole topographic map to illustrate what the board is asking for.

CEO A. Backus referenced the survey map provided by the Riedmans and said that the elevation at the road is 820' and is unsure how you could stay above the DEC minimum of 819'. Mr. O'Donoghue said it is hard to comment without getting a topographic map done.

CEO A. Backus said that the concern is, since we only have the measurements currently provided, it is hard to see how proper drainage can be accomplished.

Bill Beikirch asked the board if this proposal is considered a major or a minor subdivision. A. Backus said that the board does not see a huge distinction between the two because the board has the ability to apply different provisions of a major subdivision, such as drainage, to any approval. Whether you determine it as a major or minor subdivision, the board can dictate certain requirements be met regardless. There was an exchange between Rich Riedman and Bill Beikirch and Chair Bennett said that all concerns need to be directed and addressed to the board.

Daniel Beikirch (Bill Beikirch's son) asked for more information on the right-of-way proposal.

Attorney J. Campbell said that the Town does not generally get involved in how the ROW's look but other than to recommend that the deeds are specifically conveyed to state exactly what is permitted. For example, to say the ROW allows docks/ boats/ versus just access to the lake. J. Campbell said that the point of the specificity is so that ten or twenty years down the road, there is no confusion as to what was intended to be conveyed.

Bill Beikirch brought up the Sandrock Subdivision and questioned the Town's judgment and 5-acre minimums back when it was subdivided.

R. Bennett mentioned that that decision was made by Zoning back in the day-Claire Sandrock had proposed a cluster development.

Bill Beikirch said that he recalls that there were 5 acres minimums to minimize crowding on the lake.

Chair Bennett asked the Board if they want to consider this a major or minor based on what the board has heard before.

J. Palmer asked about the time limits for the previous 2 lot subdivision and if adding to these subdivisions- will this then be lots 4 and 5.

Chair Bennett said that the code allows the board to use discretion.

J. Sparling said that with the dividing up and selling off 3& 4, if they're not building lots- that puts the onus on the buyer to get a site plan and at that time drainage and other concerns would come into play. J. Sparling said there is no building that's going to go on the way it is.

R. Haak said that she would like to see a drainage study happen before they go forward.

J. Sparling said that if drainage is possible, then the Riedmans would be responsible to provide drainage easements to the lake.

CEO A. Backus said if this subdivision was to be approved, we need drainage easements included on the access easements and placed on the survey map.

Theresa Eckert said that they have no idea if the buyers would build homes or just store boats on the properties.

CEO A. Backus asked Doug Houghton; have the prospective buyers expressed interest in buying the lots to build homes or to store boats and how much are they selling the lots for?

Doug Houghton said that the intended buyers have said they will build homes and they are \$85,000.

CEO A. Backus said that it is the board's responsibility to determine what the environmental and drainage impacts are for future development.

Rich Riedman said that McPherson's point is very special to their family and is in their best interest to make sure that good homes and people come into the area. Rich said it should not be their responsibility to get drainage study because they don't know in what capacity the lots will be used for.

CEO A. Backus said that the board would be able to approve this better if a study was done to see if it's even possible.

The Riedman's asked to see the pictures of the flooded lots that were provided to the board.

Theresa Eckert refuted the pictures and said that they were illustrating flooding on the main parcel across the road from the two proposed lots. She also said that she felt those pictures were not an accurate depiction because the area had just experienced a major rain event in a short amount of time.

CEO A. Backus said, while that may or may not be the case, there is still clearly a drainage issue.

Chair Bennett asked J. Sparling that since his concerns are with drainage- would he like to have a drainage feasibility study done. J. Sparling said that yes, on the other hand, is it necessary for the Riedman's to take on the expense? He suggested that the Riedmans do the study and then include the cost of the study in the cost of the lots.

J. Palmer said that an option is to make a note 10 say that it also has to include drainage plans.

R. Haak said that if, a special provision is needed on the survey map it should be done ahead of time.

CEO A. Backus asked the board, if they would be comfortable with the idea of the Town of Livonia engineer, Clark Patterson doing a topographic study and then the Riedmans would reimburse the Town for the cost of their engineer.

A question came from the gallery as to why the taxpayers can't pay for this kind of thing and wanted to know where all the tax money goes.

J. Campbell said that it is not appropriate for the cost to be passed to all the taxpayers who do not have a vested interest in what happens on McPherson's point.

Chair Bennett asked the Riedmans to come forward to the table so he can address them better. Chair Bennett said that the board's main issue is to address the drainage concerns. He said the board will make their determination based on what they have heard tonight and go from there.

J. Sparling said that he recommends getting the drainage study done now and then pass the cost to the buyer.

Rich Riedman asked that if they do the drainage study, do they have to have the note on their map anymore saying that site plan approval needed first.

CEO A. Backus said that any future development of these two lots on the current proposal would need to satisfy SEQRA.

Chair Bennett asked about SEQR numbers 12b and 13a, and explained to the Riedmans that we have to address those two points.

CEO A. Backus said that the board would have to determine if an archaeological study is needed. The board made a consensus that an archaeological study is not needed.

Chair Bennett said that the board needs a report from an engineer illustrating if the lots can be drained without effecting the neighbors.

J. Campbell said that the Town can get a quote from Clark Patterson and then inform the Riedmans of what it would cost to conduct a drainage feasibility study through the Town's engineer, Clark Patterson. Rich Riedman indicated that he would also look in to obtaining a quote of his own for a drainage feasibility study and then proceed accordingly.

Rich Riedman asked the board what the next step is. Chair Bennett indicated that after the drainage feasibility study is complete, the Riedmans will need to come before the board with those results and then the board will review the results as well as SEQRA.

J. Campbell told the Riedmans as well as the board, they want to keep in mind that once the public hearing has been closed, there is a 62 day time frame in which the final approval must be finished by.

J. Palmer asked if rather than closing the public hearing, can the board in a sense, leave it open. J.

Campbell said that the board has the ability to do that. J. Palmer indicated that her reasoning to propose leaving it open is so that it does not trigger the 62 day timeline.

J. Campbell said that in order to re-open the public hearing, a motion needs to be made.

M/2/C (J. Palmer/ J. Sparling) to reopen the public hearing and hold it open.

Motion carried 4-0

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 (R. Haak/ J. Palmer)

Motion carried 4-0

Respectfully submitted,

Jeanne Brown
Recording Secretary