

LIVONIA JOINT PLANNING BOARD
June 8, 2015

Present: Chair Bennett, C. Casaceli, J. Palmer, D. Richards, D. Simpson, J. Sparling, CEO A. Backus, Recording Secretary J. Brown

Absent: R. Haak, J. Campbell- Town Attorney

Agenda: (1) Approve the meeting minutes from May 11, 2015

(2) **Clark Subdivision**- One parcel subdivision on **Poplar Hill Rd., Livonia, New York**

(3) **Airport Subdivision- Lakeville Airport Owners**- One lot subdivision- **West Lake Rd. (Rte. 256) Lakeville, New York**

(4) **Gordon Shepard** – Concept plan review for retail sales of sparklers on Chuck Smith’s land behind the Lakeville Post Office- **Lakeville, New York**

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

M/2C (J. Sparling/ D. Richards) to approve the May 11, 2015 meeting minutes as submitted.

Carried 6-0

Chair Bennett invited **Attorney Rachel Scura Licklitter** to come forward regarding the Marianne Clark Subdivision proposal.

Rachel stated to the board, Marianne Clark hasn’t done more than five (5) subdivision of five (5) acres or less in the past three (3) years and this would be her fourth subdivision in a three year period.

Chair Bennett asked A. Backus if he has thought more about driveway requirements. A. Backus replied that he does not see any issue with the proposal.

Recording Secretary Brown mentioned the following for the record:

The Livingston County Planning Board has informed us that the land proposed for this subdivision is within an Agricultural District and while they will be able to subdivide the land, there may be issues hooking up to any public water or sewer utilities until the Ag. District term is up in 6 years for that property.

Rachel replied that the buyers as well as their attorney are aware.

D. Simpson asked if the drainage will be to the west, he is wondering if the Planning Board should be thinking ahead for future development.

A. Backus said that it is within the Planning Board’s right to require a drainage study.

Rachel said this is the fourth subdivision for this property, the first being in 2012. Rachel further explained to the board that Marianne Clark began subdividing to pay her mortgage because she was at risk of foreclosure. After the sale of this lot, Marianne's mortgage should be paid in full.

D. Simpson said the upside is that Marianne Clark owns the land that would be impacted by potential flooding.

A. Backus asked Rachel if it would be trouble to have easement added after approval. Rachel said she felt 99.9% positive that Marianne Clark would agree to add an easement after approval but Rachel felt that it would be preferable to add the drainage easement with this current proposal.

A. Backus said he is not entirely sure why the existing drainage easement is on the map, possibly between the first two subdivisions. A. Backus continued it is probably not necessary to have a whole easement on the plan.

A. Backus asked the Planning Board if they would be inclined to approve the subdivision subject to Welch O'Donoghue, Surveyor, submitting a map with drainage provisions. The Planning Board was agreeable.

Motion to waive public hearing (J. Palmer/ D. Richards) Carried 6-0

Chair Bennett and the board reviewed SEQRA. Negative Declaration was made (J. Palmer, D. Richards) and carried 6-0.

A motion was called to approve the subdivision subject to a written approval from the Livingston County Planning Board (D. Richards/ C. Casaceli)

Carried 6-0

Chair Bennett invited **Jim Bailey** to come forward and explain his proposal. Jim explained that he is representing the Lakeville Airport Owners and they have a buyer for the proposed lot #5.

Chair Bennett went over the past history including the Lakeville Airport Owners were just before the Planning Board about a month ago to subdivide lot #4.

D. Simpson asked if drainage has been addressed. Jim said yes, the state has placed large stones to hold dirt in place.

Motion to waive public hearing (J. Palmer/ D. Richards) Carried 6-0

Chair Bennett and the board reviewed SEQRA. Negative Declaration was made (J. Palmer, D. Richards) and carried 6-0.

A motion was called to approve the subdivision subject to a written approval from the Livingston County Planning Board as well as provisions depicted on the map showing drainage (D. Richards/ C. Casaceli) Carried 6-0

CEO A. Backus announced that there is an add-on for the agenda. **Gordon Shepard** is proposing selling sparklers behind the Post Office in Lakeville, on Chuck Smith's property.

Gordon explained that he is proposing to sell sparklers (no explosives) and he would sell them behind the Post Office on Chuck Smith's property adjacent to the Vitale Park parking lot. Gordon said he would have a lease contract with Chuck Smith.

D. Simpson asked if anything would be left overnight. Gordon replied, no.

J. Sparling asked what hours he would like to operate this sale. Gordon said roughly from 7:00pm until dark but longer hours for the 3rd and 4th of July.

A. Backus said that 6 sq. ft. is acceptable for a temporary sign. Gordon said he would like the signs to be visible to the road.

A. Backus said that the sign location is indeterminate until we know exactly where Chuck Smith's property line is. He also said if the Planning Board is inclined to approve, the board will need to see the contract between he (Gordon) and Chuck Smith allowing retail sales by Chuck Smith.

A. Backus asked Gordon if he intends to attract the park traffic or the main traffic. Gordon replied, both would be great.

A. Backus suggested that the Planning Board could revisit after one season to see how things went.

Some concern for adequate lighting was brought up.

Gordon said they have adequate lighting. A. Backus said Vitale Park closes at 10:00pm

J. Sparling and D. Simpson said this sparkler stand should close at 10:00pm

Gordon said he would be completing strictly cash transactions.

CEO A. Backus said any approval from the Planning Board is contingent upon licenses and permits state or county-wide.

Chair Bennett determined that Chuck Smith is responsible to insuring since it is his previously existing sales business.

Chair Bennett told Gordon that he will need to show A. Backus any signage and placement he wants to use and that we will revisit this for approval when a more concrete proposal is brought forward.

Chair Bennett called for a motion to adjourn the meeting at 7:45pm (J. Sparling/ J. Palmer)

Carried 6-0