

LIVONIA JOINT PLANNING BOARD  
MEETING MINUTES  
January 26, 2015

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

AGENDA: Approve the meeting minutes of November 24, 2014

**-Mary Allison**

Site plan approval for antique store at 3650 Livonia Center Rd., Livonia, NY 14487

**-Hemlock Lake Union Ag. Society**

Site plan approval requested for a boat storage building and vendor space for the Hemlock Fair located at 7370 Water Street, Hemlock, NY 14466

**-Brian Suter/ Barry Carestio**

Concept plan review for a lot line adjustment/subdivision for 4712 East Lake Rd., Livonia, NY 14487

**-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 24, 2014 meeting minutes, and asked for a motion to approve them.

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

Motion carried 6 -0

Chair Bennett invited Mary Allison to come forward. CEO A. Backus explained that on October 27, 2014 the Planning Board favored the proposal and on November 17, 2014 and December 1, 2014, the Zoning Board of Appeals granted the use variance and authorized this department to issue a conditional use permit. Chair Bennett said that the public hearing was satisfied through the Zoning Board of Appeals and that the terms of the conditional use permit were distributed to the Planning Board members for their review.

SEQRA was reviewed and determined that the proposed action will not result in any significant adverse environmental impacts.

Chair Bennett asked for a negative declaration motion (J. Palmer/ R. Haak)

Chair Bennett asked for a motion to grant the site plan approval based upon the use variance and conditional use permit granted by the Zoning Board of Appeals

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

Motion carried 6-0

Chair Bennett invited the representatives from the Hemlock Lake Union Ag. Society to come forward. CEO A. Backus explained that previously at the August 25, 2014 meeting, the Planning Board had looked favorably on the proposal to construct a boat storage and vendor space building. The Planning Board however, was unable to complete the site plan approval because the parcel combination request had not been completed and SEQRA was incomplete.

CEO A. Backus explained that since then, the parcel combination has been completed and he has received the OK from Livingston County with the new tax parcel number.

Chair Bennett proceeded to review SEQRA for the newly combined parcel that will have the proposed building on it.

A motion was made and seconded for negative declaration (J. Palmer/ R. Haak)

Chair Bennett asked for a motion to approve the site plan as submitted

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

Motion carried 6-0

Chair Bennett invited Barry Carestio, who is in attendance representing Brian Suter, to come forward. Barry referenced the survey maps that were distributed to the board in explaining the request. Chair Bennett said that the only problem he sees is that they will be taking a non-conforming lot and furthering its non-conformity. With this proposal they will be increasing the conformity of the other five lots by way of square footage, however the road frontage will be non-conforming.

CEO A. Backus said that Barry and Brian will have to apply to the Zoning Board of Appeals for a variance once the Planning Board gives their feedback at this meeting. After the Zoning Board of Appeals meeting, they will then have to come back to the Planning Board for site plan approval.

Barry showed the board the current situation on the map in that five homes share one driveway easement. Also, it is not a real driveway as its mostly unfinished surface. Barry also mentioned that the sale of land will only be completed if they can put driveways in. CEO A. Backus said that he has contacted the Livingston County Highway Department and they are fine with the driveway proposal.

Chair Bennett said that the big issue is getting the OK from the Livingston County Planning Board and the Zoning Board of Appeals.

J. Campbell said that the degree at which the proposal is making one lot less conforming is far outweighed by improving the other remaining lots.

D. Simpson asked if the traditional building and zoning code would apply if they ever wanted to build on the proposal land additions to their lots in the future. A Backus said yes. Chair Bennett asked if anyone had further comments. The board agreed that the proposal made sense and will

wait for Barry to come back to them for site plan approval, if the Zoning Board of Appeals grants the variance for the proposal.

Chair Bennett invited Richard Riedman and his surveyor Kevin O'Donoghue to come forward. Chair Bennett stated that this meeting is a continuation of the public hearing from November 24, 2014 and the board will take comments from the public and opened the meeting to the gallery. Chair Bennett also said that the Planning Board has received an engineered drainage feasibility report from TYLIN International on behalf of the Riedmans.

Caroline Peck (5778 McPhersons Pt) stood up and addressed the board. She indicated that she has a letter that has been signed by eleven residents of McPhersons Point and read aloud the following:

We the undersigned residents of McPhersons Point, Livonia, would like to express our concerns regarding the lot division of the Riedman property. This area is very prone to flooding from the creek. This lot(s) along with others on the Point consistently flood during spring melting and any heavy rains. Video of the most recent flooding was shown on local television channels as well as being broadcast nationally on the Weather Channel. McPhersons Point is a private road. Owners must maintain and plow their section of the road. Further development would mean increased traffic and usage of the entire road. These proposed lots have frontage on both McPhersons Point Road and Hillside Drive. Where will the entrance for these properties be? Another of our concerns is lake access. Will more and how many more docks be allowed? Is the shoreline of the Riedman property to become one long series of docks? We all agree that McPherson Point is a very special place on the lake. We wish to preserve our sense of community as well as continue to be good stewards of the lake and its environment.

Bill Beikirch (5726 McPhersons Pt) addressed the board. Bill said that he is located east of Rich Riedman's property. Bill shared his concern that he thought there were some discrepancies in the survey map as well as the drainage report. He felt that his familiarity and experience with the property differed from the interpretation and reflection of the engineer's in the report.

Rusty Ehmann (5768 McPhersons Pt) address the board. Rusty said that she has lived at her home on McPhersons Pt for 42 years and there has not been a year that it hasn't flooded. Rusty also told the board that if the right-of-ways are granted, she wants it specified if the right-of-ways can be built on or paved etc. She said that her third concern is that in the previous Planning Board meeting minutes from a meeting in which this subdivision proposal was discussed, it was suggested to the Riedmans that the right-of-way be at least 21'-25' wide. Rusty did not feel that there is enough space between the garage on the Riedman's property and the hedge on the side property line between the Riedmans and the Jagadesh's property.

Chair Bennett asked if there was anyone else that wanted to comment on the proposal. Hearing no one, he asked for a motion to close the public hearing. (R. Haak/ D. Simpson)

J. Sparling said that any future building on the remaining mother parcel would require a site plan approval. A. Backus confirmed the need for a building permit from the Building dept. for any future building, however, building permits are not required for surface covering such as driveways and pavers.

The surveyor Kevin O'Donoghue explained the narrowing of the easement between the garage and the hedge that Rusty was concerned about. Kevin said that that would be something the buyer would be aware of but since the narrowing is not on the lake front edge, it should not be a problem.

J. Campbell asked Rich Riedman what will be allowed on the easements.

Rich said that no buildings would be allowed on the easements and only one dock and hoist apparatus would be permitted per easement.

J. Campbell asked Rich if he would be OK with the Planning Board making a motion to approve with specific conditions of no impervious surface and no buildings.

Rich said that yes, he would be OK with that, he also clarified that the proposal of 20' for the easements is being worked out in the deed.

Chair Bennett said that the purpose of the drainage feasibility study was to determine if new development would be possible without increasing or contributing to additional flooding-the Riedmans are not responsible for pre-existing drainage issues.

Surveyor O'Donoghue explained that the two proposed catch basins would be on the easterly side of the road and there is 160 linear feet between the two. Rich said that any buyer will have to agree to the easement conditions. Rich also said that they are considering the cost of the drainage facilities in the purchase price.

CEO A. Backus asked if deed agreement will state that the buyers will be responsible to install and maintain the drainage system. Chair Bennett asked J. Campbell if the board could make a motion to approve based upon J. Campbell's review and approval of the deed and agreements. J. Campbell said yes.

D. Simpson asked how big the drainage pipes and catch basins will be. It was determined that the engineer was responsible to determine adequate size for both to handle drainage as necessary.

CEO A. Backus asked the board if they wanted to address neighbors' concerns regarding the part of the engineered report that says the flooding issue is minimal and how that contrasts to the testimony of the neighbors here-does that concern them?

Chair Bennett said that the point of this study is to alleviate any additional drainage, it is not the Riedman's responsibility to correct existing drainage concerns.

CEO A. Backus said that the study actually addressed a portion of land to the east of these two lots as well as the lots in question, so it is even more inclusive than just the proposed lots.

Chair Bennett asked A. Backus where the access to these lots would be. R. Ehmann from the gallery said that there is a deed restriction saying no access is allowed from Hillside Drive.

Chair Bennett asked the board if they had any further questions. Hearing none, he proceeded to read through SEQRA. A motion was made for negative declaration (J. Sparling/ D. Simpson)

Chair Bennett asked for a motion for subdivision approval with the following conditions:

1. The access easements for lots 3 & 4 are for ingress and egress only and no buildings or impervious surfaces are allowed. Also only one dock and one hoist are allowed per easement.
2. This approval is contingent upon the review of these agreements and deeds by Livonia Town Attorney Jim Campbell and the drainage easement is to be confined within the south access easement and that document will provide for reciprocal maintenance of that easement.
3. The drainage facilities outlined in the engineered report must be completed before development of one or both of the lots.

M/2/C with the afore mentioned contingencies (R. Haak/ 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 8:20 pm.

M/2/C (D. Simpson/ C. Casaceli)

Motion carried 6-0

Respectfully submitted,  
Jeanne Brown

Recording Secretary