

LIVONIA JOINT PLANNING BOARD
November 23, 2015

Present: Chair Bennett, J. Palmer, R. Haak, D. Simpson, D. Richards, J. Sparling, C. Casaceli, Attorney James Campbell, CEO A. Backus, Recording Secretary B. Miles

Agenda:

- 1) **Approve the meeting minutes from October 26, 2015**
- 2) **Tom and Helen Cicero – Site Plan - 4341 Shelly Road, Livonia, NY.**
Site Plan review to place a Produce Stand at 4341 Shelly Road, Livonia
- 3) **Mark Thielges – 3155 Rochester Road, Lakeville, NY**
Concept meeting for site plan review – accessory use for Residential occupancy for night watchman at 3155 Rochester Road.
- 4) **Stephen Ezard – 14 Main Street, Livonia, NY.**
Site Plan Review – To be used for home base for Weather Tight Installations and Hair Salon upper level at 14 Main St.

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

1. Meeting Minutes for October 26, 2015– Chair Bennett asked for motion to approve. M/2/C (D. Richards/J. Sparling) approved as submitted. Carried 7-0

2. Tom and Helen Cicero – 4341 Shelly Road.

Chair Bennett invited Helen Cicero to come forward and review their site plan. Chair Bennett asked if this project has gone to the ZBA and CEO A. Backus stated yes. Chair Bennett asked for the results of that meeting and CEO Backus stated that the ZBA approved the variance for the setbacks and the Conditional Use Permit contingent on the Planning Board’s approval of the previous concept plan with an emphasis on traffic safety. R. Haak went to the site to check on line of site for safety and stated that she does not see a problem. She stated that she has been up a couple of times. One time she was there Helen and Tom’s vehicles were parked in the side yard and Robbyn was able to see their vehicles. She could not see the actual building but cars will not be parked where the produce stand is. People will be parking in the parking area. J. Sparling stated he also went there and they were trimming the trees. The trees have been trimmed up to over 6 feet high and he does not see a problem with view of the traffic or traffic seeing cars or cars exiting from the produce stand. CEO Backus stated that he drove past the produce sign tonight to come to the meeting and he confirmed that there is no problem with visually seeing traffic or seeing vehicles leaving the produce stand. Helen is aware that if the trees become overgrown she will make sure the trees/bushes are trimmed. D. Richards asked to make a stipulation that if in the future the trees and bushes become a problem, the bushes and/or trees are taken down. Helen stated that she has pictures taken after they did the trimming, if they would like to see them and the Board reviewed the pictures. CEO Backus stated that Helen has assured him that no vehicles will be backing out into the road.

Chair Bennett and the board reviewed SEQRA. Negative Declaration was made (J. Palmer, R. Haak) and carried 7-0.

Chair Bennett asked for a motion for site plan approval with the stipulation that if in the future the trees and bushes become a problem, the bushes and/or trees are to be taken down (R. Haak / D. Richards)

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Carried 7-0

3. Mark Thielges – 3155 Rochester Road.

Chair Bennett asked Mark Thielges to come forward and introduced himself as owner of Lake End Mini Storage and also introduced the Owner of Sign Blazer, Dan Gall. Mark explained that he is coming before the Planning Board to explain the Gannett Newspaper has moved out. Mark stated that they were a very good tenant but also they gave the complex a sense of security because there were Gannett Employees there at night doing their job. There was a lot of activity in and out of the complex during the day and into the evening. With their presence, it kept the criminal mischief element away. Mark stated he has been trying to rent the facility, but no one is interested in renting the facility in the evening and being there in the evening. Dan Gall of Sign Blazer is interested in using the facility for his business and he does a good portion of his sign making in the evening. Unfortunately he cannot afford the rent. Mr. Thielges asked Mr. Gall if he lowered the rent would he be interested in keeping an eye on things, more of a presence to deter vandalism. After Mr. Gall gave this idea some thought he indicated that this is a good arrangement. Mr. Gall would like to work there at night, but he would like to sleep there, at the mini storage, where Gannett was. Mr. Thielges spoke with CEO Backus regarding this situation and was told that this area is not zoned for residential use and this is why he is talking to this Board. CEO Backus stated that it is his understanding that a decrease in newspaper sales was the reason that Gannett has not been willing to renew their lease. Mr. Thielges stated that he offered to lower their rent \$800, but they are taking a different direction. Gannett is renting a smaller storage space until spring 2016, but after that they will be making other plans. Mark stated that he has approached some local contractors to see if they would be interested in renting storage space (in an attempt to generate lost income) but none of the contractors were interested. Mr. Gall is the only person that has expressed any interest. The area where Gannett was is odd shaped and was specifically built for Gannett, but this area will suit Mr. Gall's needs.

Chair Bennett asked if there are any comments. D. Simpson asked if this will be a permanent residence and Mark Thielges stated at least as long as the lease agreement. A question was asked if living space and a bedroom will be blocked off for that specific use. Mark indicated that yes, but he asked the Board to look at this project as site specific. This will pertain to this particular site only in this complex. Mr. Thielges stated that prospective customers have asked in the past what form of security he has. In the past it has been Gannett, they are in there all kinds of hours during the night, but Mark is afraid that in the future that with no form of security he is afraid people will be reluctant to use his storage facilities. Mark stated that he has 160 customers at his Lake End Mini Storage and if they thought there is not some sort of security, he could possibly lose customers. Mr. Gall stated that he walks his dogs a lot and when he was across from Minnehans, they did appreciate when he reported to them certain incidences that occurred while he was out walking his dogs. Mr. Gall thought maybe he can do the same thing at the mini storage.

Chair Bennett asked CEO Backus if Mr. Thielges needed to go the Zoning Board of Appeals. CEO Backus stated that Mark needs to get a Use Variance from the ZBA and the Use Variance can be very difficult to get approval. D. Simpson asked about the other mini storage businesses and being used as residential. CEO Backus stated if that is true these mini storage businesses are grandfathered in. Adam stated that the storage units to the north and south both have residential units and at least one of those units is in the same zoning district as Marks. Don Simpson indicated that the church across the road has residential. CEO Backus responded yes, but not for much longer and that is not applicable to this case. CEO Backus stated that regardless Mr. Thielges will need a use variance and Adam has inspected the area Mr. Thielges is referring to. It does seem like a good fit but there are some considerations that need to be addressed. The sign making, the chemicals used and ventilation for the chemicals used. Adam noted that the rooms are set up so that setting up a kitchen, bedroom will not be difficult to accomplish. J. Sparling

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asked Adam if the zoning is changed to residential does it open the door to problems. Adam indicated no that this particular situation is site specific and it doesn't change the zoning, it just gives this particular site residential use. J. Sparling asked if this situations changes, does it reverse back to the original zoning: Attorney J. Campbell stated that the zoning never changes, the use variance is site specific and doesn't change the class of the property. Jim stated that zoning use can run with the property, so if there are circumstances that are basically the same in the future they will likely have the benefit of that variance. Attorney Campbell stated that is, if there are not restrictions placed on the variance when the variance is given. The Zoning Board of Appeals can place any restrictions on the variance. CEO Backus stated that any change in use will trigger a review.

Chair Bennett asked if there is any other discussion. He asked for a motion by the Board to refer to the Zoning Board of Appeals for review based on presentation by Mark Thielges on the basis that the situation is consistent with other facilities in the area and the security issue is good for the consumer. M/2/C (D. Richards/C. Casaceli) Carried (7-0)

CEO Backus stated that this will need to be sent to the County for review.

4. Stephen Ezard – 14 Main Street, Livonia, NY.

Chair Bennett asked Stephen Ezard to come forward and explain what his plans are for 14 Main Street. CEO Backus explained that Stephen Ezard bought Mike Guenther Automotive and is running a private construction shop out of there it is not a retail sales. It is the home base for his construction/insulation company. Adam has determined that it is a less impact use than the business that was there before and is a permitted use subject to the Board review and pointed out that Mike Guenther had some specific regulations. The Village does not want the area to look disorderly, did not want cars or trailers all over, with people entering the village. Mike did a great job, he would even weed whack the hill. The Board can set any criteria they feel is necessary. Stephen Ezard stated that he was not aware of these issues and he felt he had made phone calls to make sure there would be no issues with having a home based business. He also stated that he has owned JT Sound for approximately 9/10 years. CEO Backus stated that the issue is whether a business is permitted in the area. Adam stated that possibly there has been some miscommunication. Yes it is a permitted use, but it is subject to Planning Board review and approval. There just needs to be some overview.

D. Simpson asked Stephen to explain to the Board what his plans are. His plans are to turn the top floor into a hair salon for his daughter and in the bottom garage he will keep his equipment, and tools required to operate his spray foam operation. J. Sparling asked what he will be storing outside. The only things that may look unsightly are the barrels and they are being stored in the back corner. His trailers are parked in the parking lot. Stephen stated that he is not looking to store anything. Stephen stated, agreed, he does not want the outside to look unsightly. During the summer months, which is their busy time he has maybe 4 or 5 trailers and mostly generally they are out on jobs during the summer. J. Sparling asked what kind of trailers they had. Stephen stated that they are enclosed trailers and he has a flatbed and basically he is just parking them in the parking lot. He explained that the inside of these trailers are wired and plumbed and the equipment used to spray the foam is pretty high end, there just not empty trailers. J. Sparling asked about the barrels that are stored outside, what is in them or are they empty. Stephen stated they are empty, because the barrels cannot stay at the job site he has to store them somewhere. Attorney Campbell asked if there is a way to screen these barrels with a fence so as to minimize their visibility. Mr. Ezard stated yes, he can build a fenced in area to store the barrels. CEO Backus stated that the Mayor was unable to be here but the Village has expressed that they want to keep things tidy because the property is very visible. There was discussion regarding the parking of the trailers and it was agreed that the trailers are parked inside the fence and the biggest issue is the barrels. J. Sparling stated as a

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suggestion that if their trailers could be parked orderly inside the fenced in area. CEO Backus stated that the Village is glad that Mr. Ezard is there and occupying the building. The statement was made that the Board hopes he is very successful and that Mr. Ezard's business may have less impact on the Village. Mr. Ezard will look into putting a fence around the barrels.

CEO Backus asked Stephen if he is willing to weed whack the hill. Stephen stated yes, he will do that. CEO Backus also stated that Mike Guenther would plow the snow because he had the equipment, but the Village will be doing the plowing.

Mr. Ezard stated they would like to move forward on the hair salon upstairs, he is not sure of what he needs to do, but he would like to move forward. CEO Backus stated that the hair salon is a permitted use, but need to check into fire separation and the mixed use component. Attorney Campbell asked about the site plan for the hair salon and CEO Backus indicated that the hair salon component can be included in this meeting tonight.

Chair Bennett asked Stephen what other than storing equipment in the building will you be using the area downstairs for. Mr. Ezard stated that they do spray on bed liners and also on the roofs of camper so with the overhead doors, he can pull the trucks or campers into the bay and complete the job and not have to do the work outside. There was some discussion regarding the chemicals being used and Stephen stated that the main products he uses is a spray foam and a couple different products similar to paint, but he will make a list of the products he uses and get them to Adam. Most of the products are a silicon coating and not hazardous.

Chair Bennett asked if a site plan is needed for the location of the trailers and storage. The fence placed around the barrels, should that be a part of the site plan. D. Richards noted that the trailers will be moved around so to include in the site plan probably will be helpful. Stephen stated that he has no problem working the details out with Adam. CEO Backus stated that storage of outside equipment is not a permitted use so avoid any misunderstanding will alleviate any unnecessary hassle. Adam stated the Board should set a few guidelines, such as number of trailers, campers, no garbage and barrels must be stored in a fenced in area. Adam also suggested that possibly there should be a one year review. Chair Bennett asked if a year might be too long to wait to review. Chair Bennett asked Mr. Ezard if he has a busier time of year and Stephen stated yes their busy goes from April through to November. Chair Bennett suggested that maybe a review in June or July would be appropriate. Mr. Ezard stated that the trailer will be a constant in the parking lot from November through to April. Chair Bennett does not want to wait a year to review. He is more concerned about the barrels. Mr. Ezard stated the fence around the barrels is a good idea. Stephen brought up the sign and the existing sign was approximately 2' x 18". CEO Backus stated that the sign placement is not subject to this Planning Board approval. Adam qualified his comment by stating that this is not retail sales, he is not inviting the customer to come to his place of business to sell to the customer, but he wants people to know he is here, that this is his home base. Adam indicated that he will review the sign and the size of the sign. Adam also stated that the Board has covered the placement of a hair salon upstairs at some future date.

Chair Bennett asked for a motion to waive having a public hearing. M/2/C (D. Richards/R. Haak)
Carried (7-0)

Chair Bennett and the board reviewed SEQRA. A motion for Negative Impact was made (C. Casaceli / J. Simpson) and carried 7-0.

Chair Bennett asked for a motion of this Site Plan. A motion was made to approve Site Plan for Stephen Ezard, 14 Main Street with the following stipulations:

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1. Trucks and trailers are to be parked in orderly manner.
2. Barrels are to be stored in a fenced in area.
3. Hair Salon to be put in the second floor, pending applicable building codes

M/2/C (J. Palmer/D. Richards) Carried (7-0)

Motion to adjourn the meeting at 8:30 p.m... M/2/C (R. Haak/J. Palmer) Carried (7-0)

Respectfully Submitted,

Betty Miles
Recording Secretary