

# **LIVONIA JOINT PLANNING BOARD**

**January 11, 2016**

Present: Chair Bennett, R. Haak, J. Palmer, D. Simpson, D. Richards, J. Sparling, C. Casaceli, Attorney J. Campbell, and CEO A. Backus

Excused: Recording Secretary B. Miles

Agenda:

**1) Approve the meeting minutes from December 21, 2015**

**2) Livonia Public Library**

*Site Plan Review for the construction of an addition to the Livonia Public Library – 2 Washington St., Livonia, NY.*

**3) Ed Dutra – 11 Commercial St., Livonia, NY**

*Site Plan Review for Construction of Apartments on the second story of 11 Commercial St.*

Chair Bennett opened the meeting at 6:59 p.m.

1. Chair Bennett asked the Board if they have reviewed the meeting minutes for December 21, 2015.

Everyone stated they had and Chair Bennett asked for a motion to approve. M/2/C (R. Haak/C. Casaceli) approved as submitted. Carried 7 - 0

**2. Livonia Public Library, 2 Washington Street, Livonia, NY.**

Chair Bennett invited the person representing Passero regarding the Livonia Public Library Project to come forward. Justin, the representative from Passero Associates introduced himself. Justin stated that he has come before the Planning Board to request a review of and a referral to go before the Zoning Board of Appeals. Justin stated the library is located on the corner of Washington Street and Main Street and this property is zoned Core Commercial District. He explained that they are seeking a relief on two setbacks, which needs the Board's approval. He explained that Passero has been working on this project a couple of years, there have been different designs, public information meetings, and working with SHIPO (State Historic Preservation Office). After making several changes to the design of the library and conferring with SHIPO they finally came up with a design. SHIPO originally did not like the impact on the historical design of the library. Justin stated that they were able to decide to put the addition on the backside of the property, which leaves the majority to the library intact. Justin indicated that with these stipulations the parking area will not be as big as they had originally hoped and there is a variance required for landscape requirements for the rear buffer and the front setback requirements off of Washington Street. Justin stated that included in these plans is a small patio. Livonia Code states that a 20' buffer needs to be maintained along the rear property line. He stated that this is the first step and they will be coming back to this Board after they go to the Zoning Board of Appeals. He is here to hopefully get positive feedback along with a referral to the Zoning Board.

Chair Bennett asked the Board members if they have had a chance to review the packet that CEO Backus sent out. C. Casaceli asked for verification on the variance requirement on the rear setback. Justin explained that it is not a rear setback, but zoning requires a 20 foot buffer with a solid wall or planting along the back property line and due to keeping the cannon, the parking had to be moved toward the back of the property, which makes it impossible to keep the 20 foot buffer. With the parking being located in the back the 20' requirement will be

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limited to a 4 foot strip, which they are proposing the placement of a fence. Chair Bennett asked if there is anything else. Chair Bennett stated that he does not see any problem with the front setback. J. Palmer stated she is happy they are staying with the original building design. Chair Bennett stated that the Board will have CEO Backus formulate a letter stating that this Board is in favor of this plan.

### ***3. Ed Dutra – 11 Commercial St., Livonia, NY***

Chair Bennett asked the Board members if they have had a chance to review the packet that CEO Backus sent out. Chair Bennett asked Ed Dutra to come forward and explain to the Board what he is planning to do. Ed Dutra introduced himself and explained that he has owned property in the Village of Livonia under Livingston Properties for many years. Livingston Properties purchased 11 Commercial Street in Livonia on November, 2013. Ed indicated that in June, 2013 prior to his actual purchase he received the approval from the Planning Board to construct two one bedroom apartments on the second floor of 11 Commercial Street. Ed stated that he held off on building at that time because Livonia did not receive any grant dollars for the Main Street Grant. He stated that prior to his purchase of this building he thought that the empty second story was 1400 square feet, but it is actually 2800 square feet. He did some homework and after conferring with contractors and architects, his best plan is to ask for approval of building three one bedroom apartments on the second floor instead of the two one bedroom apartments he had received prior approval for. Ed stated that new building fire code law today requires installing a fire sprinkler system in new commercial construction. Putting in this type of system is very expensive so Ed feels that due to the cost of the sprinkler system it is only feasible if he can build three one bedroom apartments. Ed stated that the Village of Livonia has been approved for the Main Street Grant for 2016, so he is hopeful that he will move forward with this construction this year. Ed indicated that he believes this is a positive because this will bring affordable housing and business to the Village of Livonia. He also stated that there is water, sewer, natural gas, parking and waste facilities being used at this building. There are no changes to the first floor. Ed stated that in 2014 he made an investment in fixing the façade of the building. Ed noted that if he gets approval to do this construction, he will continue to keep his building in good condition. He also stated that he has been a landlord for 10 years and lived in the Village for 15 years and lived in the Town of Livonia for 22 years.

Chair Bennett asked for input from CEO Backus. CEO Backus agreed that Ed Dutra is an excellent landlord, he has taken care of any issues that have come up. Adam stated that the issues at his previous approval were mostly relative to garbage and parking. The garbage issue has been taken care of and he has talked with members of the Village Board to get their feedback and they are generally supportive of this proposal. The Village Board feels that although there is a premium on parking they do not see where one more one bedroom apartment is a problem. CEO Backus did state that village parking should not be taken up by winter storage trailers. Ed Dutra stated he would talk to the proper individuals about keeping trailers out of usable parking spaces. CEO Backus stated that one of the things that the Main Street Grant encourages is the building of apartments in vacant second story buildings in the Village. A question was asked about the location of the staircase. Ed Dutra stated that it is located on the south side of the building near the rear of the building. Ed Dutra stated that this Main Street Grant is looking to build apartments in villages where buildings have unused space.

D. Simpson asked Ed if there is any other exit that needs to be addressed, such as an emergency exit other than the one you already have. Ed stated not that he knows and Tim Brinducci (Ed's architect) stated that all of those issues will be addressed, but there is nothing in the code because of the three one bedroom apartment limit. J. Simpson asked if additional staircases have to be added and Tim stated no, but the traditional egress windows need to be installed in each apartment. Tim stated that the existing staircase is concrete. J. Palmer stated that Saratoga Springs has taken advantage of this Main Street Grant and it has had some very positive effects. Ed stated that he needs to have this Main Street Grant in by February 1, 2016.

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Chair Bennett asked the Board about a public hearing. Motion made to waive the public hearing M/2/C (J. Palmer / C. Casaceli)

Carried: 7 - 0

Chair Bennett and the board reviewed SEQRA. A motion was made to accept the findings and declare a Negative Declaration. M/2/C (D. Richards / R. Haak) and carried 7 - 0.

Chair Bennett noted that this project is an improvement to the village, it puts vacant space to good use.

Chair Bennett asked for a motion for Site Plan Review approval with the understanding that Ed Dutra will monitor the parking and garbage situation and that storage trailers will not be allowed especially during off season. M/2/C (J. Palmer / R. Haak)

Carried 7 - 0

Motion to adjourn the meeting at 7:40 p.m... M/2/C (R. Haak/J. Sparling) Carried (7 - 0)

Respectfully Submitted,

Betty Miles  
Recording Secretary