

**LIVONIA JOINT PLANNING BOARD
MAY 23rd, 2016**

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

Agenda:

- 1) Approve the meeting minutes from May 9th, 2016- Minutes will be approved at next meeting.*

- 2) Gordon Shepard – Leased property owned by Charles Smith/Tomahawk Properties.
Discussion regarding selling sparkling Devices.*

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

1. Meeting Minutes were not available from May 9th Planning Board Meeting. The Meeting Minutes will be sent to the Board for their review and approval at the next Planning Board Meeting.

Chair R. Bennett opened discussion for Gordon Shepard.

Mr. Gordon Shepard came forward to ask the Planning Board for their blessings for the Sparkling sales located on the leased property of C. Smith. This lease will run from June 1st until July 5th, 2016. Chair R. Bennett asked CEO A. Backus if we had received any negative comments about this at any point in time. Only relative to the change in location from behind the Post Office to the side of the old mill. Chair R. Bennett asked if there were any complaints from the public regarding the sale of the sparkling devices themselves. There were no complaints in regards to the sale of devices. This discussion is to address that G. Shepard did relocate from what was previously agreed to last year by the Planning Board. A. Backus stated that at least two Board Members commented regarding the locations and that wasn't what was discussed last year. The Board Members had concerns with traffic. Questions were whether there was enough room for traffic to pull in and out of the pull off area by the old Mill where the Railroad Tracks used to be. The other issue was the Sign. G. Shepard stated that he did remove the sign as soon as CEO A. Backus notified him. It was acceptable to him to have a "sandwich" sign, which was sufficient. G. Shepard confirmed that A. Backus was correct that last year's Planning Board meeting discussion was to have the location behind the Bean Mill. After he set up his stand, a cleanup employee of Vitale Park notified the Sheriff of G. Shepard's location. Mr. Shepard was asked to move his location over 5' to Chuck Smith's property still maintaining the ten foot setback from the building. There was still room for traffic to pull in and off the road. A. Backus stopped and reminded G. Shepard that he was not allowed to leave the banner up overnight, which was taken down. J. Sparling asked if the tent and tables were the only items left overnight. Everything was packed up and put away with the exception of the tent itself and everything was locked up in the truck that they have on the property. Mr. Shepard stated that he has spoken to the Sheriff Patrol about the truck and tent so they were aware that it would be left on the property. G. Shepard stated that he would be more than glad to comply to whatever the Board would approve. R. Haak asked if his location, that he ended up at last year provided enough room from cars to get off the road. Yes, there was room to pull off the road and pull in beside the tent. Between the old Bean Mill and the Nail Salon, there is an area there so that cars could pull off the road and not cause a traffic issue. J. Sparling asked if there was any negative comments coming back to us regarding the traffic and where people were pulling off the road. A. Backus confirmed that there were no complaints about the traffic for the parking or sales of the sparkling devices. The concerns last year were that we did not want people to have to back out onto the road when leaving. G. Shepard stated that every customer that pulled in to make a purchase was asked not to back out on the road when leaving. That is really common sense but he wasn't going to tell us that no one ever backed out. He did advise customers and suggested they turn around in the back area as there was plenty of room. Chair R. Bennett asked the Board for comments. A. Backus stated that there was not a Conditional Use Permit issued. This was just a review so if the public called and asked if we were aware of his operation. Also, that there were provisions put in place to insure this was done in a safe manner.

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A. Backus stated that there would be no permit required but he would need the current dated lease agreement between himself and Charles Smith for the property as well as a current Insurance Certificate. G. Shepard stated that he was familiar with the New York State Safety Code which he received from A. Backus last year. The NYS Safety Council came down, as well as the Fire Department to go over what should be posted. G. Shepard asked if the sandwich board was acceptable for his sign. A. Backus advised that a six square foot sign is allowed. He also asked Mr. Shepard if he was still in receipt of the memo dated April 7, 2016 which outlined compliance with the previous agreement. This memo outlined the time period of sales, sign specifications allowed, that the supplier offers a guaranteed sell basis, sale display must be on private property and cannot be within 10' of a structure. The devices must be displayed in a manner which does not allow public to reach prior to purchase. A no smoking sign must be posted. A minimum of 1 pressurized water portable fire extinguisher not more than 15' and not less than 10' from display area. All permits must be submitted to Building and Zoning prior to sales. The Planning Board does not authorize use of the devices, only that the operation is conducted in a safe manner. G. Shepard acknowledged that he did have this memo. G. Shepard asked the Board about the item stating that the devices must be displayed in a manner which does not allow the public to reach them. A. Backus confirmed that was a New York State Uniform Code requirement.

Chair R. Bennett made a motion to allow G. Shepard to set up his Sparkling Device sales as he finished last year. M/2/C (R. Haak/D. Simpson) Carried (5 - 0)

Motion to adjourn the meeting at 7:20 p.m... M/2/C J. Sparling/J. Palmer) Carried (5 - 0)

7:21 p.m. Private council with James Campbell, Attorney for the Town of Livonia. Discussion concluded at 8:03p.m..

Respectfully Submitted,
Alison Houk, Recording Secretary