

**LIVONIA JOINT PLANNING BOARD**  
**August 22, 2016**

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

Agenda:

- 1) Approve the meeting minutes from August 8th, 2016**
- 2) United Refining – 5845 Big Tree Road, Lakeville, NY**  
*Discussion regarding preliminary concept of developing Beardsley Property*
- 3) Stephen Ezard – 14 Main Street, Livonia, NY**  
*Discussion regarding Site Plan follow up.*

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

1. Chair Bennett asked the Board if they have reviewed the meeting minutes for August 8th, 2016. Everyone stated they had and Chair Bennett asked for a motion to approve. M/2/C (R. Haak/J. Palmer) approved as submitted. Carried 6 - 0

**2) United Refining – 5845 Big Tree Road, Lakeville, NY**

Chair Bennett invited the person representing United Refining to come forward and explain to the Board what their proposal is. Mr. Jerry Fasciano, Director of Retail Construction came forward. United Refining is interested in developing the Beardsley property located at 5845 Big Tree Road in Lakeville. Their intent is to build a 4000 Sq. Ft. convenience store with food service and a complete beverage line. There would be two separate fueling areas, one for gasoline product's including non-ethanol gasoline and one that would offer diesel fuel. They would offer both full serve and self-serve fueling at this location. The building will be constructed to the current Uniform Construction Codes along with the local Building Codes. All fuel dispensing equipment and underground storage tanks would be installed to the current NYSDEC regulations, located back towards Stone Hill Road. They would like to have two entrances on Big Tree Road and one entrance on Stone Hill Road. They plan to add some trees and greenery to the area, and would install a privacy fence located near the neighboring property. In discussion with CEO, Adam Backus regarding the zoning regulations, there is a 500' stipulation for dispensing equipment to be from any entrance of public assembly. The only business that will fall within the 500' would be the North Shore Grill. J. Sparling asked if United Refining had done a study to see if there was a need for a gas station in that area. Jerry stated that United Refining's Marketing Department believes that this proposed property would be a good location. United Refining used to have a Gas Station that was located next to the Tee & Gee. This location was hit by a truck and was no longer viable, so they were unable to re-build at that location. They have looked into other potential sites, but there were easement issues and a water retention ditch located on the front of the property. This proposed site is a better location with no geographical issues, except being within 500' from a public entrances. Jerry asked if the Planning Board would consider granting a Variance. CEO, A. Backus explained that this concept meeting with the Planning Board to establish if they would accept, modify or deny the site plan approval. You would then go to the Zoning Board, with the Planning Board's recommendations and the Zoning Board would rule on the Variance. After granting the Variance, you would come back to the Planning Board for Site Plan approval. CEO A. Backus stated that the next step would involve getting

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closer to the actual plans and doing further review and research to make sure we are aware of any obstacles and potential drainage issues from the beginning.

Chair R. Bennett asked if the Board Members had a chance to review the proposal overview. Jerry asked to approach the Board with a larger, more detail sketch of United Refining's proposal.

Chair R. Bennett asked for clarification on exactly how far the proposal site was from North Shore Grill, and if it was from property to property or structure to structure for the 500' regulation. Property to property was approximately 140', building to building is approximately 240'-270'. Jerry stated his interpretation was that it was from the entrance in a straight line from the nearest property line of the property being developed. Jerry asked for clarification on the reasoning of the 500' rule. Attorney J. Campbell stated that this is standard historical language when fuel systems weren't as safe as they are today. The idea was to put a buffer between them and the potential hazard of explosion and fire where people would gather. A lot of codes have been revised as the safety of fuel dispensing and vapor recovery systems have been improved. Attorney J. Campbell asked if there was going to be overnight truck parking at this location. Jerry confirmed that there will not be any overnight truck parking. CEO, A. Backus asked what the plan for the old gas station site was. He thought it would be a good site for the Livingston County Water and Sewer overflow tanks.

CEO, A. Backus and Attorney J. Campbell discussed the drainage and storm water retention concerns with Jerry and stated that area has water sensitivity issues. Jerry stated that United Refining is familiar with installing an underground storm water retention structure to handle the storm water.

J. Sparling asked for a time line for construction. Jerry stated that they will have a 2017 build date. They are under a contract with Mr. B. Beardsley to insure the property will be an acceptable site. Once they get approval from the Town of Livonia, they will proceed with Mr. Beardsley on the property.

Chair R. Bennett asked the Board for comments. The Board Members were all in favor of this proposal and it would be a welcomed addition to Lakeville. When United Refining is ready to proceed, the Planning Board will write a letter of recommendation to the Zoning Board.

**3) *Stephen Ezard – 14 Main Street, Livonia, NY***

Chair Bennett started the discussion on the follow-up to review S. Ezard's previously approved Site Plan. The consensus of the Board was that there were no issues and that no complaints have been noted. The area looks good and Mr. Ezard is progressing on the completion of the Hair Salon. He is currently pursuing purchasing an adjacent property to continue to improve the neighborhood.

Chair R. Bennett asked the Board for any questions. There were no further questions or comments from the Board. Chair R. Bennett asked for a Motion to adjourn the meeting at 7:25 p.m... M/2/C (D. Richards/R. Haak) Carried (6 - 0)

Respectfully Submitted,  
Alison Houk, Recording Secretary

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