

Present: Chair. R. Bennett, D. Richards, J. Palmer, B. Brooks , R. Haak, K. Masterson -
Code Enforcement Officer

Excused: C. Casaceli, D. Simpson & J. Campbell - Town Attorney

AGENDA:

- *3 Legged Pig*
 - *3415 Rochester Road*
 - *Restaurant*
 - *Final Site Plan Approval*

- *Daryl Johnston*
 - *3191 Rochester Road*
 - *Motor vehicle towing & repair service*
 - *Preliminary Site Plan with CUP*

- *Tim & Mark Minnehan (Vision Resale Center)*
 - *5601 Big Tree Road*
 - *Occasional sales*
 - *Preliminary Site Plan with CUP*

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

Chair. R. Bennett asked the board to review minutes of the January 9, 2012 meeting.
M/2/C (J. Palmer/R. Haak) to approve the January 9, 2012 Livonia Joint Planning Board meeting minutes as amended.
Motion carried 5-0.

Chair. R. Bennett asked **Andrew Suppo & Robert Osypian of 3 Legged Pig** and their architect, Dave Weisendreder from Costich Engineering, to come forward to discuss their plans for a year-round restaurant at 3415 Rochester Road.

Kevin Masterson asked the men to update the board.
Andy stated that they have addressed all the concerns of this board's correspondence dated November 23, 2011, the concerns of the Livingston County Planning Board as outlined in their December 12, 2011 correspondence to the Building & Zoning Department and the concerns of the NYS DOT.

With respect to the residential use property to the north of this property, they plan to install a 6' high stockade fence. This will alleviate any lights from vehicles and light from the north side of the building from shining on the property to the north. A lighting plan is shown.

In reference to this board's request to show a more detailed landscape plan, they are going to hire Al Roome from A Landscape to do the landscaping work. Andy pointed out the green space and added that they previously were going to provide 10% green space, however, with their new parking and green space plan it will increase to 14.5%.

NYS DOT has requested that they continue sidewalks along Rt. 15 to the intersection of Stone Hill Road.

They delivered their sidewalk plan to the NYS DOT last Friday.
There will be a sign stating "No boat trailer parking."
They are planning on combining the two parcels to make an individual parcel.
They are not within the Conesus Lake Water Shed.

They feel they have addressed concerns of all departments involved.
Kevin Masterson asked Andy to point out on the site plan map where the sign stating "additional parking available at Vitale Park."

Andy explained that they will push snow onto the green space.
B. Brooks questioned the snow piled in front of the doors.
Andy stated that if the amount of snow was a detriment to their business they would have the snow removed from the premises.
B. Brooks cautioned them to be aware of snow being pushed onto handicap parking spaces & breaking signs, along with yearly damage to the lawn space.

There will be bollards on the east side of the building to prevent vehicle damage to the refrigerator & cooler.
They will clean up the existing junipers as shown in the landscape plan by cutting them back.

The Board reviewed the Short Environmental Assessment Form, Part II for SEQR.

- | | |
|--------|--------|
| A) No | C5) No |
| B) No | C6) No |
| C1) No | C7) No |
| C2) No | D) No |
| C3) No | E) No |
| C4) No | |

M/2/C (J. Palmer/D. Richards) to declare a negative declaration on SEQR based upon the findings.
Motion carried 5-0.

M/2/C (D. Richards/R. Haak) to waive the public hearing.
Motion carried 5-0.

M/2/C (J. Palmer/D. Richards) to grant final site plan approval for a year-round restaurant at 3415 Rochester Road with upgraded green space, parking plan, lighting plan, landscaping & signage as described in the site plan dated January 16, 2012.

Motion carried 5-0.

Chair. R. Bennett asked **Daryl Johnston** to approach the board.

Kevin Masterson introduced Daryl to the board. Daryl owns the property north of Al Roome & south of San Filipo at 3191 Rochester Road that used to belong to his family and is in the Commercial/Limited Industrial Zoning District (C/LI). Daryl would like to run a motor vehicle towing and repair business from this property. He provided a colored rendering of the property in question showing the stockade fence, the old wire fence right-of-way, arborvitae that he planted, a lightly wooded hedge, underground electric, grass, gravel parking & driveway, three storage sheds, an existing vacant house (converted to office use), a dumpster, a shop, future sign placement and the space in which two cars will be for sale. The house can no longer be used as a legal residence in the C/LI Zoning District.

Chair. R. Bennett asked Daryl how many cars he would have for sale and/or cars that would be repaired at any one given time.

Daryl said, "worse case scenario, thirteen or fourteen."

K. Masterson suggested if they, the board, are so inclined to grant an approval, they might want to consider allowing Daryl a one-year temporary approval.

Chair. R. Bennett asked what kind of lighting was on the property.

There are currently three lights on the building, one being a mercury light.

Daryl stated that his neighbors Mr. San Filipo and Mr. Alan Roome, watch out for him and if they see people or anything strange going on on his property, they call him.

B. Brooks would like to see fencing installed along a portion of the north and west property lines as shown on the site plan map.

Daryl discussed that he would like to put no more than two (2) cars for sale out front at any one given time. There really is no room for any more than that.

K. Masterson stated that the Building & Zoning Department would address any property maintenance zoning issues that may arise should there be any.

M/2/C (R. Bennett/B. Brooks) to grant temporary conditional approval for a period of one year for a motor vehicle towing and repair business at 3191 Rochester Road. Mr. Johnston will come back to the board after one year to consider granting final approval.

Motion carried 5-0.

Brian Amo from Vision Automotive Group came forward to request a one-time temporary use of the Minnehan's Restaurant property at 5601 Big Tree Road for a sixteen (16) day sales event. They have conducted these type vehicle sales at the property across the street but that property is now being run as a church so they don't have the advantage of doing the vehicle sales there at this time.

K. Masterson passed out material to the board members.

Brian stated that Vision Automotive does this quite often in New York State, they have approval from the NYS Attorney General's Office.

He explained that they will send out mailings advertising this sales event. It will run from February 4, 2012 to February 14, 2012. The hours of operation will be from 9:00 a.m. - 7:00 p.m. They expect to have as many as 100 cars and will arrange them as shown on the site plan map. They anticipate twelve (12) sales people. This event has been very successful in the past. They have a short term lease with Minnehans. They have permission to use the game room building as their office, Minnehan's will keep their own customers from entering the building.

K. Masterson asked if they are requesting permission to do this a few times this year or just once. Bryan said they're requesting a one-time temporary use, if they wish to do this again, they'll come back to the board for possible final approval to be allowed to do this a few times a year.

His staff is expected to stay in the area for these days. This will be good for the local businesses.

They wish erect a 3' x 15' banner sign.

R. Haak was concerned about additional traffic being an issue in the parking lot as well as the entrances and exits.

K. Masterson felt that it was fair to say they have conducted business twice before across the street with less room, granted, there were less cars but they did a good job. This new location should be even safer. He thanked Robbyn for her comment and concern.

Bryan told the board that Vision Automotive has a contract with Walmart to conduct the same type of event in their parking lots and have much success.

M/2/C (B. Brooks/R. Haak) to allow temporary site plan approval for one year, to conduct a vehicle sales business at the Minnehan Restaurant property at 5601 Big Tree Road with the following conditions:

- That a banner sign be no larger than 3' x 15'
- That your days of business start on February 4, 2012 and end February 14, 2012
- The hours of operation shall be 9:00 a.m. - 7:00 p.m.
- That you arrange the cars in the manner shown on your site plan map

Motion carried 5-0.

MEETING MINUTES - January 23, 2012

M/2/C (J. Palmer/R. Haak) to adjourn the meeting at 8:00 p.m.

Respectfully submitted,

Tammie Schwerzler
Recording Secretary