

Present: Chair. R. Bennett, B. Brooks, J. Palmer, C. Casaceli, D. Richards & R. Haak

Excused: J. Campbell - Town Attorney & K. Masterson - Code Enforcement Officer

Absent: D. Simpson

AGENDA:

- *Tim McCarron/Brigg's Tire*
 - *21 Main Street*
 - *Modification to existing site plan*
 - *100' x 50' storage barn*

- *Ron Munson/Finger Lakes Timber Co., Inc.*
 - *6273 Decker Road*
 - *Revision of previous site plan*
 - *For use as a saw mill operation and relocation of building*

Chair. R. Bennett opened the meeting at 7:03 p.m.

Chair. R. Bennett asked the board to review minutes of October 22, 2012.

M/2/C (R. Haak/J. Palmer) to approve the October 22, 2012 meeting minutes as submitted.

Motion carried 6-0.

Chair. R. Bennett asked Tim McCarron of Brigg's Tire to come forward to explain his request to the board.

Tim is requesting site plan approval for the construction of a 100' x 50' pole barn storage building to be placed on the property at 21 Main Street (previously known as the fire hall). The building will lie east and west. There will be no setback issues as the building will be within the Town of Livonia setback requirements. Utilities are already on site. Tim recently combined three separate lots into one parcel specifically to have the proper size lot and to be able to meet the setback requirements.

The storage building will consist of two doors facing Main Street and one facing Grove Street. He will use the building for storing tires and trucks. The old buildings have been demolished.

C. Casaceli asked Tim if he intends to make any repairs to or service the trucks within the building. Tim said, "No, it's for storage only."

Chair. R. Bennett asked if there would be any outside lighting and what the height of the building will be.

Tim replied that there would only be overhead door lighting and the proposed building will be 25' in height to the peak of the roof.

Chair. R. Bennett felt the construction of this building will not change the view for the people behind it.

Tim will keep the gravel driveway, he sees no reason to do anything else with it. There is a gate access to the railroad bed 15' off the property line, maybe even closer to 16 feet.

Chair. R. Bennett explained that this application does not need to be referred to the Livingston County Planning Department because this application is for a modification to an existing site plan.

M/2/C (R. Haak/J. Palmer) to waive the public hearing.
Carried 6-0.

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 | |

Chair. R. Bennett felt the drainage will not change and that the property will improve aesthetically.
M/2/C (J. Palmer/D. Ricahrds) to declare a negative declaration on SEQR.
Motion carried 6-0.

M/2/C (B. Brooks/C. Casaceli) to approve the modification to site plan for a 100' x 40' pole barn storage building as presented.
Motion carried 6-0.

Chair. R. Bennett asked **Ron Munson** to approach the board. He and his son, Aaron, came forward to explain his request for modification to an existing site plan to allow the construction of a storage building in an alternate location than was originally approved of and to allow a portable saw mill on the inside of this building. He'd like to move the location of the proposed building from the south to the north part of the property, specifically on a one and a half acre parcel.

There are Amish saw mills in the Southerntier that are working out very well. Mr. Munson pointed out on his site plan map a structure in which he's going to tear down a portion of. The proposed building will be painted green, he will side an existing building to match.

Electric and water access are already in the building, underground. New York State Electrical Inspector, Mike Shumway, met with Mr. Munson and told him the underground utilities are sufficient.

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Ron felt that it would be better to move the building further north and away from the road. They were previously thinking about building an "L" shape addition to the previously approved building for office space but have since changed their minds and will do without for now.

Ron explained that saw mills are run by electric or small gas motors. The motors are about the size of a lawn mower motor. The blade is half an inch. They want to sell smaller walnut logs. Noise will not be an issue. He stated that if it becomes an issue he will address it. About six months ago he did run a portable saw mill and he received no complaints whatsoever from the neighbors. The saw dust will be inside the building and will be removed from the property. There will be no issues with truck traffic because the saw mill part of the business will use less trucks than there are presently coming in and out of the property.

Ron is expecting to hire four people from the community at twelve to sixteen dollars an hour. It is important to him to hire from the community. They've already built a pond, toward the road. There is also a fire hydrant in that location. Any fire department can use the water in the pond for fire suppression.

C. Casaceli asked Mr. Munson if any lumber will be sold from the site.

Ron replied, "Only wholesale lumber." Retail sales would create a lot of traffic, he does not want that. They will continue to sell fire wood from the site.

D. Richards wanted clarification on the saw mill Mr. Munson said he used on the property.

"So you had a saw mill there and used it, and there were no complaints?"

Answer was yes that is correct, no complaints.

The proposed saw mill will be portable and inside the building. The logs will stay where they are presently stored. The site plan map shows 1.5 acres out of 6 acres will be used for the building area.

Chair. Bennett asked if there is a buffer between his property and the adjacent property owned by Matt & Beth Graf.

Ron explained that there is a shrub lot there. He thinks it will continue to grow and make a great buffer. There is a berm between the pond and the road. He can not plant trees until the buffer has settled. They plan to hire a company to do the planting when that time comes.

R. Bennett asked if there are any residences adjacent to the proposed building location.

Ron replied that there is only the one that Ed Sharpe used to live in, to the west.

R. Bennett asked for questions or comments from the board. There were none at this point.

Although this is not a public hearing, Chair. R. Bennett then asked the public if anyone had questions or comments. If so, state your name for the record.

Steve Sessler, resident of Livonia, and attorney was there to represent his clients Matt & Beth Graf. He thanked the board for the opportunity to address them.

He stated that he had the opportunity to look at an older site plan map, however he has not seen the site plan map in which Mr. Munson has offered to this board. He would also like a copy of the narrative written by Code Enforcement Officer, Kevin Masterson.

R. Haak gave her map to Attorney Sessler. R. Bennett offered his copy of the narrative to Steve.

Sessler spoke of several Town Code sections such as 150-5 (Definitions), Section 150-70 A 2 & 3 (Non Conforming Use) and Section 159-118 C (Intensive Agricultural) now expired. This last section is not part of the present Town Code.

Attorney Sessler's client Beth Graf called the Building & Zoning Department earlier today and found out that Mr. Munson did receive approval for the construction of a storage building in June of 2011, but he has yet to proceed with constructing the building. He pointed out that in the Livonia Town Code, it stated that after receiving approval for the issuance of a building permit, one must build the approved building within one year's time. Mr. Munson has not done so, therefore the site plan becomes null and void. Sessler also stated the Livonia Town Code states that the construction of a building involving the approval for a Conditional Use Permit (CUP) must be built within one year. If not built, the CUP becomes null and void.

Sessler felt there was and still is a problem with the 2011 site plan. The property in question is in an Agricultural Residential Conservation (ARC-3) Zoning District. The additional four and a half acres Mr. Munson is referring to was not part of the site plan approval in 2011, only the one and a half acres. Using the entire six acres would allow a more intense use of the property. He said that if one wants to use a non-conforming use, one must ask for a variance, not a modification.

Attorney Sessler felt this is a manufacturing use. This business is getting bigger and bigger and bigger and the Graf's object to this proposed building being placed so close to their house.

R. Bennett asked Mr. Sessler if they feel Mr. Munson has changed the operation since 2006. Mr. Sessler stated the proposed application would change the use.

Sessler then read aloud the conditions set by this board when they approved the site plan in 2011.

Chair. R. Bennett asked the board members would agree to table a decision until they have time to confer with Town Attorney Jim Campbell. They all agreed.

Attorney Jim Dys stated that Jim Campbell is also Ron Munson's attorney and that Jim would be precluded if Munson still uses him to represent them. Remedy for that is for this board to go to another attorney.

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Chair. R. Bennett and B. Brooks both felt that the first step for this board is to confer with Jim Campbell and go from there. They will take the advice of our Town Attorney.

M/2/C (B. Brooks/D. Richards) to table this application until December 10, 2012.
Motion carried 6-0.

M/2/C (J. Palmer/B. Brooks) to adjourn the meeting at 8:15 p.m.
Motion carried 6-0.

Respectfully submitted,

Tammie Schwerzler
Recording Secretary