

LIVONIA JOINT PLANNING BOARD

October 28th, 2024

Present: Chairman R. Bennett, D. Andersen, A. Baranes, J. Brown, R. Haak, J. Palmer, K. Strauss, CEO Adam Backus, Zoning Compliance Assistant J. Holtje.

Excused: Attorney J. Campbell

Agenda:

- 1) *Accept and approve the meeting minutes – September 23, 2024*
- 2) *Lake BBQ – 25 Main Street, Livonia, New York – Tax # 75.5-1-18 Site Plan & Conditional Use Permit.*
- 3) *Andrew Viera – West Avenue, Livonia, New York – Tax # 74.12-1-17.752 Concept for proposed 3 Lot Subdivision/Future development.*
- 4) *Pathstone/Creekside Clearing – 100-1400 Turtle Rock Road, Livonia, New York – Tax # 65.-1-79.32 Site Plan Sketch conference for proposed 16 additional dwelling units.*

Chairman Rick Bennett opened the meeting at 7:00 p.m.

- 1) Approve Meeting Minutes from August 26th & September 23, 2024. Chairman Rick Bennett asked for a motion to approve. M/2/C (J. Palmer/D. Andersen) Carried 7-0.

2) Lake BBQ – 25 Main Street, Livonia, New York

Chairman Rick Bennett asked Elizabeth Mendoza of Lake BBQ to come forward for the proposed expansion of services.

ZCA J. Holtje: This is an existing take-out (retail sales) store that wishes to expand its services to a restaurant that offers indoor seating and 2 tables outdoors for seasonal use. This is a permitted use per Code Section 155-33 D. (2) with a CUP from the Planning Board. The Village has weighed in and their policy is to allow seasonal use of the sidewalk in a fashion that does not inhibit pedestrian traffic, maintenance or plowing.

CEO A. Backus: This will allow expansion of the business to allow consumption on site. Nothing will change as far as kitchen, this is not a commercial kitchen. They are also changing their name to be more inclusive, not just BBQ related.

Chairman R. Bennett: Gave history of when this was a diner that also had seasonal outdoor tables. This is not inconsistent with past use.

LIVONIA JOINT PLANNING BOARD

October 28th, 2024

This application was referred to the Livingston County Planning Board for review. Livingston County Planning reviewed the application and determined it has no significant Countywide or inter-municipal impact. Approval or disapproval of this application is a matter of local option.

Chairman Rick Bennett asked for a motion to waive the Public Hearing. Motion to waive: M/2/C (R. Haak/J. Brown) Carried 7-0

Chairman Rick Bennett and the Board reviewed the Short Environmental Assessment Form. No moderate to large impacts were identified. A Negative Determination of Significance was determined. Motion to accept a negative declaration: M/2/C (J. Palmer/R. Haak) Carried 7-0.

Chairman Rick Bennett and the Board reviewed the Conditional Use Permit criteria. The Board determined this is a slight change in the operation and will not have an impact on the immediate vicinity, and this is a permissible use.

Discussion: hours will be expanded, they will serve lunch and coffee.

Chairman Rick Bennett asked for a motion to approve the Site Plan and Conditional Use Permit application as submitted with the following conditions. Approval for a restaurant with two outdoor tables and indoor seating. Outdoor seating is seasonal and must not obstruct pedestrian flow or plowing and maintenance by the Village. If any issues arise, the applicant will return to the Planning Board to mitigate. Motion to approve: M/2/C (J. Brown/K. Strauss) Carried 7-0

3) *Andrew Viera – West Avenue, Livonia, New York*

Chairman Rick Bennett asked Andrew Viera and John Sciarabba from Land Tech Surveying and Planning to come forward for a sketch plan conference on the 3 Lot proposed Subdivision and future development.

J. Sciarabba gave a brief overview.

- 123 Acre project total
- Last month they went to the Village Board to make them aware that they are working on this concept.
- 2 access points on West Ave and one access on Main Street/Big Tree
- Mix of townhomes, duplexes and apartments on the eastern section. The plan before you have 3 lots, each with a proposed duplex.
- Before a full formal application is made, they have some issues to work through with access and the existing lot that is between the mixed use residential on the east and the proposed single-family homes on the west. They are looking forward to working in cooperation with the Board on the final vision.
- The western portion will be 30 lots for single family residences.
- The apartments, townhomes, and some duplexes for a senior style community consist of 175 units.

Discussion:

LIVONIA JOINT PLANNING BOARD

October 28th, 2024

- The first 3 lots will give the developer an idea of what the community needs are and the demand in the area.
- Timeframe will be based on demand
- There is a demand for housing in Livonia
- The application has been forwarded to the Town's consulting engineer but we have not received comments to date
- The Board will hold a public hearing in the future for the conceptual plan, but determined that they will waive the public hearing for these three lots as they are not out of character with the existing neighborhood.
- The preliminary application will return before the Board after comments from the consultant engineer are received and reviewed.
- CEO A. Backus let the Board know that the project will generate public concern.

Chairman Rick Bennett stated that the applicant should proceed with their conceptual plan, and come back for final approval on the 3-lot subdivision after they have had a chance to review the Town Engineers' comments.

4) Pathstone/Creekside Clearing – 100-1400 Turtle Rock Road, Livonia, New York

Chairman Rick Bennett asked Jason Sackett, President of Pathstone Development, Adam Fishel of Marathon Engineers, and Charlie Oster of Edgemere Development to come forward for the proposed 16 additional dwelling units and revised site plan.

J. Sackett introduced the project:

- Goal is to optimize what they have on site and the operational efficiency. The increase will allow a full-time manager on site.
- Project originally built 20 years ago and building systems are beyond their useful life. We want to rehab, optimize and expand the site.
- Waiting lists for units are years long

Charlie Oster:

- His company, Edgemere Development is helping Pathstone through the redevelopment of the site
- NYS is excited about the project. The next step is getting funding from the State. Only a few projects get funded per year
- Will be converting heating to geothermal, increasing accessibility for mobility impairment and audio and visual impairment.

Adam Fishel:

- Here to get some feedback on the initial plan.
- Total of 48 units total with new larger community building .
- Dedicated recreational area with programming TBD at this point. Propose 8000+/- Sq. Ft.
- 1 variance for building less than 20' from building. We are asking for a variance for that

LIVONIA JOINT PLANNING BOARD

October 28th, 2024

- Driveway spacing is a guideline they cannot meet with the space available. Guidelines allow the Town Engineer and the Planning Board to change this separation.
- Modification to circulation to provide better access for trash and refuse completion.
- Clarification needed if drive lane is included in the parking space separation to the property line. They did not apply the Code requirement to this portion of the driveway.
- They would also like clarification on the community building. They did not interpret it as needing the 20' setback as it is not a dwelling.
- They will replace the trees per code requirement in the 50' setback.
- They would like to know if there is support for the variance for separation of parking to the building.

Discussion:

- The separation of parking and building is for safety. The applicant is proposing a curb.
- CEO A. Backus to the Board: This is a sketch plan meeting to determine if the proposal and its major features is acceptable or if it should be modified. The applicant will then proceed to a preliminary site plan. We will get a review from our Consulting Engineer and the County Planning Board. Is there anything the Board can identify to help them better prepare the preliminary site plan review?
- K. Strauss: 20' is important. 7 feet is an important amount of space for kids running around. Extra space around the sidewalk and lawn is important. 3 members are concerned about the distance.
- Is there a possibility of eliminating some parking spaces?
- Why are single bedroom units being added instead of the family units you are experiencing a high demand for?
- Number of kids in the development? Approx. 50
- Occupancy limits on new one-bedroom units will be 1 or 2
- Households will be relocated on or offsite while units are under renovation.
- Wait lists for subsidized housing far exceed what applicant can currently offer. They will provide the Town with the market/housing study.
- 50 units allow them to have staff on site and this is why they are proposing 16 one bedroom units on this site. This gets them near that number (32 existing units, 48 proposed).
- This is a family-friendly complex. 16 one-bedroom units change this dynamic and that concerns some board members.
- 5' deep pond surrounded by chain link fence severely changes the streetscape. It eliminates the front lawn and access to that whole area. Other options should be explored for stormwater management. Explore the flood plain area across the street for expansion of storage there.
- Exploration of obtaining other property for the 16 units.
- The manager's office will be in the community building. B&Z Dept. and the Board supports having a full-time manager on site.
- Accessibility
- Applicant will address 85% use of the usable land from 150-35 B.

LIVONIA JOINT PLANNING BOARD

October 28th, 2024

- Access/driveway spacing. The minimum of 220-440 feet cannot be achieved. 90' is proposed. Discussion about modifying the driveway to come further into compliance at the time the road is extended by changing the access location further west. The Board would like to hear input from the Town Engineer.
- The recreational equipment appears to be insufficient, and the Board would like to see more detail. Architect Jason Simmons from In/Ex Architecture said that the playground will be made accessible by having a rubber mat surface. There will also be a covered back patio so parents can watch their children as they play on the equipment.
- The Board asked the applicant to consider a variance to the 50' front setback to relieve parking setbacks.
- Architect J. Simmons was in favor of the front setback and thought a better streetscape could be established that way.
- The application has not yet been sent to the Town Engineer but will be prior to the preliminary site plan meeting.

With no further discussion, and nothing further on the agenda, Chairman Rick Bennett asked for a Motion to adjourn the meeting at 8:34 p.m. Motion to adjourn: M/2/C (R. Haak/J. Palmer)
Carried 7-0

Chairman R. Bennett allowed J. Gilbert to come forward but explained that the Board is at a disadvantage in that there is no application, and they do not know what he is currently proposing. J. Gilbert explained that he has revised his previous 3 lot subdivision on Big Tree Street down to a one-lot subdivision. This is an informational meeting to receive some information on what will be coming. New maps were handed out. Jerry started to address the stormwater runoff issue with information from 1990 correspondence between engineers but was stopped by CEO A. Backus and Chairman R. Bennett. This is no longer an informal conversation; this is getting into major detail from the past. These details will need to wait until a full packet has been submitted to the B&Z Dept. and the Board has a complete application before them with time to review. This drainage information should be submitted with that application. Once received, we will process the new application, review the original memo, and see what the next available date before the Planning Board is. Note: the original 3 lot proposal was never approved.

Respectfully Submitted,
Julie Holtje, Zoning Compliance Assistant