

**LIVONIA JOINT PLANNING BOARD**  
**February 14, 2022**

Present: Chairman R. Bennett, D. Andersen, A. Baranes, J. Brown, R. Haak, K. Strauss, Zoning Compliance Assistant J. Holtje, Secretary A. Houk

Excused: CEO Adam Backus (Fire call), J. Palmer, Attorney J. Campbell.

Note, Public Meetings (Covid-19) precautionary policies were followed to the best of our ability and included:

- Chairs are situated to maintain social distancing.
- Hand sanitizer was made available at the entrance of the town hall.

Agenda:

**1) Approve the meeting minutes. – January 24, 2022**

**2) Ramsey Construction – 5711 Gateway Park, Lakeville, New York.**

*Conditional Use Permit/Modification to Site Plan*

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

1) Approve Meeting Minutes for January 24, 2022. Chairman Rick Bennett asked for a motion to approve. M/2/C (R. Haak/D. Andersen) approved as submitted. Carried 6-0.

**2) Ramsey Construction – 5711 Gateway Pk, Lakeville, New York**

**PLEASE TAKE NOTICE** that the LIVONIA JOINT PLANNING BOARD will hold a public hearing on Monday, **February 14, 2022**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Ramsey Construction** for approval of a Conditional Use Permit per Section 150-20D of the Zoning Code of Livonia. The application is for modification to an existing Site Plan with the construction of a 36' X 36' addition to the current office and a Conditional Use Permit for outdoor storage of materials & equipment, per Section 150-40 D (3). The property is zoned Commercial/Light Industrial (C/LI) and is located at **5711 Gateway Park**, Lakeville, New York. Tax parcel number 65.-1-6.41. The application is on file in the Building & Zoning Department in the Livonia Town Hall, 35 Commercial Street, Livonia, New York, for public review. All interested parties will be heard at this time.

Chairman Rick Bennet polled the Board for site visits:

Chair R. Bennett:	Yes
D. Andersen:	Yes
A. Baranes:	Yes

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J. Brown:	Yes
R. Haak:	Yes
J. Palmer:	Excused
K. Strauss:	Yes

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

Chairman Rick Bennett opened the Public Hearing and asked those who wished to speak to state their name and address and direct their questions to the Board. With no one in attendance, the Public Hearing was closed.

Chairman Rick Bennett asked Chris Ramsey of Ramsey Construction to come forward for the modification of the Site Plan and the Conditional Use Permit. Chris stated that they would like to construct a 36' X 36' addition on the existing office located on the east side of the building. They will be adding a couple of restrooms and five offices. Chairman Rick Bennett requested the applicant to provide clarification regarding the outdoor storage. Chris stated that he owns Ramsey's Constructors, and they operate heavy equipment for the construction of highways, bridges, roads, and airport work. They have barrels, cones, signage, and heavy equipment. Located on the lower part by the Ramsey office is where they store their heavy equipment. The yard situated on the top section of the parcel stores barrels and miscellaneous products used on job sites. Most items go out during the summer and return on-site during the winter months. Chairman Rick Bennett asked for clarification on the site map where the materials would be stored. Chris explained that as you come in Gateway Park, he has installed a gravel driveway leading up to the top of the parcel where the barrels and cones are located. The storage for the equipment is situated down below by the office. There is a paved driveway near the Bernhardt building, and they put in a berm, so the equipment is not visible from the road. ZCA Julie Holtje stated that back in early 2000, the applicant was granted site plan approval with the condition that there should be no outdoor storage or parking of equipment on any remaining lands. Over the years, as his business has expanded, there have been staging areas added for equipment. It is a permitted use within the Zoning district with a Conditional Use Permit. It is being brought before the Board again for the site plan modification and to legalize the storage of outdoor materials and equipment with a Conditional Use Permit if the Board is comfortable that the criteria for granting a permit is met. The Board may want to determine if additional screening is necessary. Chris stated that he wasn't sure why that wasn't brought up in 2000 because they were storing equipment there at that point, and he would have corrected it a long time ago. ZCA Julie Holtje noted that the applicant does keep a very neat & tidy business. The Board agreed. D. Andersen pointed out that there isn't a lot of stuff on-site in the spring and fall. Chris stated that they own approximately fifty pieces of equipment; it is a good sign when everything is out of the yard as that means they are busy! During November through January, they are on-site working to repair and maintain the equipment. They usually start working around this time of year off-site. Robbyn Haak noted that the business had been there a long time, and the applicant takes care of it. ZCA Julie Holtje stated that back in 2000, the intent of not allowing outdoor

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storage may have been protecting the view from the road and future businesses along Gateway Park. The applicant retains all that land now. Chris stated that his goal is to get the funding to build Gateway Park Road back to Bronson Hill Road. ZCA Julie Holtje noted that as part of the site plan, it was necessary to have an “as-built” map of structures and the building to document exactly where the existing structures are located in relationship to the future road. We want to ensure that any new construction or additions will meet-future setbacks.

Chairman Rick Bennett and the Board went through the Short Environmental Assessment Form criteria. The answer choices were: *No or small impact may occur, or Moderate to large impact may occur.*

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? No
2. Will the proposed action result in a change in the use or intensity of use of land? No
3. Will the proposed action impair the character or quality of the existing community? No
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? No
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkway? No
6. Will the proposed action cause an increase in the use of energy, and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? No
7. Will the proposed action impact existing:
  - a. Public/private water supplies? No
  - b. Public/private wastewater treatment utilities? No
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural, or aesthetic resources? No
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, water bodies, groundwater, air quality, flora, and fauna)? No
10. Will the proposed action result in an increase in the potential for erosion, flooding, or drainage problems? No
11. Will the proposed action create a hazard to environmental resources or human health?  
No

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The Board reviewed the SEQR forms as required for the increase in density. No moderate to large impacts were identified. A Negative Determination of Significance was determined. Motion to approve: M/2/C (R. Haak/J. Brown) Carried 6-0

Chair R. Bennett asked the Board to go through the Conditional Use Permit criteria.

150-20 D. Town & 155-20 D. Village: A permit for any conditional permit use shall be granted only if the evidence is presented which establishes that:

1. The proposed building or use will be in harmony with the general purpose, goals, objectives, and standards of the Comprehensive Plan, zoning, and, where applicable, Chapter 125 Subdivision of Land. YES  NO
2. The proposed building, hours of operation, or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare. YES  NO
3. The proposed building or use will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. YES  NO
4. The proposed building or use will be adequately served by essential public facilities and services. YES  NO
5. The proposed building or use complies with all additional standards imposed on it by the particular provision of this chapter authorizing such use. YES  NO
6. All steps possible have been taken to minimize any adverse effects of the proposed building or use on the immediate vicinity through building design, site design, landscaping, and screening. YES  NO
7. Is a performance bond or other suitable financial guaranty necessary to assure compliance with the conditions of the conditional use permit? YES NO

Chairman Rick Bennett asked for a motion to approve the Conditional Use Permit for the outdoor storage of materials & equipment. Motion to approve: M/2/C (D. Andersen/R. Haak) Carried 6-0

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Chairman Rick Bennett asked for a motion to approve the modification to the Site Plan application as presented. Motion to approve: M/2/C (R. Haak/D. Andersen) Carried 6-0

The Planning Board had a brief discussion regarding the dispensing of marijuana. Each municipality can opt-out or have the option to opt-in and regulate it under the Zoning Code. Chairman Rick Bennett suggested that the Board members refer to the Town of Livonia's website and refer to the Codebook regarding permitted uses for each District. Two areas currently reference this subject. Think of what your concerns regarding this matter would be. We can continue the discussion and suggest that the Town Board update the Zoning Code regarding this subject.

With no further questions, Chairman Rick Bennett asked for a Motion to adjourn the meeting at 7:28 p.m... Motion to adjourn: M/2/C (D. Andersen/R. Haak) Carried 6-0

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Respectfully Submitted,  
Alison Houk, Recording Secretary