

LIVONIA JOINT PLANNING BOARD

July 25, 2022

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

Excused: Attorney J. Campbell, CEO Adam Backus.

Agenda:

- 1) *Approve the meeting minutes. – June 13, 2022*
- 2) *Chad Pantipinto – 6255 Stone Hill Road, Livonia, New York.
Subdivision*
- 3) *OSB Ciderworks – 5901 Big Tree Road, Lakeville, New York.
Modification to Site Plan/Conditional Use Permit*

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

1) Approve Meeting Minutes for June 13, 2022. Chairman Rick Bennett asked for a motion to approve. M/2/C (R. Haak/D. Andersen) approved as submitted. Carried 7-0.

2) *Chad Pantipinto – 6255 Stone Hill Road, New York*

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 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 Land Surveyor Barry Carestio, representing Chad Pantipinto, to come forward to discuss the proposed Subdivision. Barry noted that this was a proposed two Lot Subdivision, dividing the 4-acre parcel into two two-acre parcels. There is currently public water on the site with a fire hydrant in front of Lot #2. There is an existing house trailer on Lot #2, and the intention is to place another on Lot #1 eventually. A note was added to the plans that Site Plan approval might be required for future building. Chairman Rick Bennett stated that the property is Zoned Neighborhood Residential, and the line of sight was good. Chairman Rick Bennett asked if they plan to use the existing curb cut. Barry confirmed that they would. Chairman Rick Bennett noted that it is indicated on the SEQR form that there is a hook-up for future water, and the sewer would be a septic system. He also noted that #12b of the SEQR form states “Yes” to the project site being in or adjacent to an area designated as sensitive for archaeological sites. Barry said the answer was pre-filled when the SEQR was completed and noted it might be located on an adjacent property, but it is not on this applicant’s property.

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Chairman Rick Bennett stated that that wouldn't come into play unless they decide to develop the other property. Barry noted that it is the same for question #13a regarding the proximity to wetlands. Chairman Rick Bennett pointed out that it was inconclusive. Barry confirmed.

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

Chairman Rick Bennett and the Board reviewed 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)? N/A
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 – Future development may require tying into the existing system.
 - 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 (J. Palmer/D. Andersen) Carried 7-0

Chairman Rick Bennett asked for a motion to approve the Subdivision application as presented. Motion to approve: M/2/C (J. Brown/K. Strauss) Carried 7-0

3) OSB Ciderworks – 5901 Big Tree Road, Lakeville, New York.

PLEASE TAKE NOTICE that the LIVONIA JOINT PLANNING BOARD will hold a public hearing on Monday, July 25, 2022, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of Apple Dapple, LLC/OSB Ciderworks for approval of a Conditional Use Permit per Section 150-12, (Public Hearing) of the Zoning Code of Livonia, and Section 150-20D (Conditional Use Permit).

The application is for a proposed hotel located at 5901 Big Tree Road, Lakeville, New York. The property is zoned Gateway Commercial District (GC). 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
J. Brown:	Yes
R. Haak:	Yes
J. Palmer:	Yes
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 asked Craig Ruane representing OSB Ciderworks, to come forward for the modification of the Site Plan and the Conditional Use Permit. Craig stated that the blue house in front of the Cidery sits empty. Owner Elise Smith would like to have two air B & Bs in the house. One would resemble a motel with a bed, bath, and kitchenette. Each will have its separate bathroom. They plan to use the one in the back of the house for shorter stays, and the unit in the front would be for longer stays, such as a week or two. They would be used year-round to accommodate the summer tourists and the ice fisherman in the winter months. Since they are on the Craft Beverage trail, this will also provide an option for someone to stay the night after a few drinks. ZCA Julie Holtje noted that the site is Zoned Gateway Commercial, and this is a permitted use in this district with a Conditional Use Permit. Julie stated that the question

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came up as to why this wasn't considered a short-term rental since people can rent out their homes and why this was considered a hotel. Julie noted that the commercial use of the property makes this a commercial operation. Craig noted that technically this doesn't have anything to do with OSB. The house is located on the same property as OSB, but it is owned by Elise Smith and is a separate entity. Chairman Rick Bennett noted that it is still on a commercial property. Robbyn Haak stated that the Air B & B would be classified as a hotel on commercial property and asked if there were different requirements and regulations. ZCA Julie Holtje stated that we do not have a definition for Air B & Bs in our Code. This is a commercial property for rent to the public. An Air B & B is when it is private owner renting out space in their home temporarily. Because this is a commercial property, it fits our definition of a hotel. Jeanne Brown asked if OSB was on a separate property. ZCA Julie Holtje stated that it was all one parcel. Julie explained that this is an accessory structure and permitted use. Julie also noted that since we are reviewing the Site Plan along with the Conditional Use Permit, there is an area between the house and the building that has been tented and used for outdoor seating since COVID. This use was not part of any approved site plan and should be reviewed under this C.U.P, so the use is documented. Julie noted that they would also provide two parking spaces for the hotel. Craig added that they would provide additional lighting for the two parking spaces and sidewalks to all the entrances. CEO Adam Backus will be reviewing the application for Building Code compliance. Julie stated that OSB has put up a beautiful new sign. When the sign permit was issued, the applicant was given the regulation for a 10' Setback from the right of way. During the inspection, we noticed that the new sign was installed in the old sign's position. We spoke with the applicant and let them know that the location of the new sign may be an issue when we have the Corridor study done to determine the location of the new sidewalks. The sign location should be discussed with the Planning Board during their application for the Conditional Use Permit. There is an agreement with the owner Elise Smith, that if the new sign is going to be an issue with the sidewalks, they will move it back. Craig stated that "IF" it is an issue. If the sign must be moved back any further, they will lose the hotel's designated parking spaces, and you won't be able to see the sign from the road. That is the reason why they kept the sign in the same location. Ultimately, he and the contractor missed it regarding the 10' back from the right of way. ZCA Julie Holtje stated that the new Lakeville Market has an existing sign that is close to the road. Since, at this point, they are only adding new panels for the new occupants, it is considered grandfathered. When you take one down completely, it's no longer grandfathered. Craig noted that the new sign is a little smaller. Jeanne Brown stated they should be very specific since the two buildings are on the same property. In years past, when a C.U.P was issued, it carried with the property. We should specify that it is for the structure by the road. ZCA Julie Holtje stated that the Board could impose any conditions they felt necessary with the approval of the C.U.P. Julie noted that the applicant has erected a tent between the house and OSB Cidery. This area has become an outdoor event space. Craig stated that during Covid, they had to put out some outdoor seating for everyone. They put up a tent to accommodate this need. It is a semi-permanent structure that comes down during the winter months. Robbyn Haak asked if a permit was required for the tent. ZCA Julie Holtje stated that it would be considered a modification to the Site Plan and that the size determines if a permit is needed. Building & Zoning is currently researching that. Chairman Rick Bennett stated that the tent was reviewed as a Modification to Site Plan, but a review is necessary by CEO Adam Backus to determine the proper Setbacks and Code compliance. ZCA Julie Holtje asked how far the tent was from the

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property line and what the maximum seating was. Craig stated that he was not sure of the exact measurements. There are four picnic tables and a little bar section that connects to it. Julie asked if the activity under the tent is also closed when they are closed. Craig confirmed that was correct. Julie asked if it would be an outdoor space that the tenants from the hotel occupy. Craig said they hope the people who occupy that space will be a customer of OSB, but motel tenants are welcome to use the area. Craig noted that space is considered semi-permanent right now, and at some point, they would like to have something permanent there, but that is down the road, and they will return to the Planning Board when they are ready to proceed with that. ZCA Julie Holtje stated that if the tent space is being occupied when OSB is closed, there may still be activity and noise that the Board may want to consider putting conditions on. Julie asked what OSB's hours were on the weekends. Craig stated that they are open until 10 pm on Friday and Saturdays. Chairman Rick Bennett stated that the Board could set a condition that the use of the tent by OSB patrons is limited to the hours of operation of OSB. This will put the responsibility on OSB to ensure that their patrons are off the site when they close for the day. Craig stated that they have never had any problems with anyone partying on the property when they are not open. Robbyn Haak stated that often we have applications come back after one year for a review.

Chairman Rick Bennett stated that the Public Hearing was closed with no one in attendance.

Chairman Rick Bennett and the Board reviewed 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:
 - c. Public/private water supplies? No
 - d. 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

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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

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 (J. Brown/R. Haak) Carried 7-0

Chair R. Bennett asked the Board to review 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

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7. Is a performance bond or other suitable financial guaranty necessary to assure compliance with the conditional use permit? YES NO 

Chairman Rick Bennett asked for a motion to approve the Conditional Use Permit for the hotel with the conditions that the Conditional Use Permit applies to the house structure and Elise Smith as owner. Any changes in ownership or to the building will negate the Conditional Use Permit. The new sign shall be moved if it presents any problems in the future. If the proposed parking arrangements change due to moving the sign, the applicant will be required to return to the Planning Board for Site Plan Review. The tent is a modification to Site Plan and will be approved as part of the Conditional Use Permit with any applicable modifications required by Zoning and Building Codes. The applicant will return after one year or as needed. Motion to approve: M/2/C (R. Haak/J. Palmer) Carried 7-0

Ralph Dellarocco provided a short presentation for the Board regarding Rain Gardens.

With no further questions, Chairman Rick Bennett asked for a Motion to adjourn the meeting at 8:02 p.m... Motion to adjourn: M/2/C (R. Haak/J. Palmer) Carried 7-0

Respectfully Submitted,
Alison Houk, Recording Secretary