

LIVONIA JOINT PLANING BOARD
APRIL 26, 2021

Present: Chairman R. Bennett, D. Andersen, J. Brown, R. Haak, J. Palmer, J. Sparling, L. Willoughby CEO A. Backus, Zoning Compliance Assistant J. Holtje, Secretary A. Houk

Excused: Attorney J. Campbell.

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

- Applicants would typically be asked to wait in their vehicles until instructed to enter the building; however, the attendees at this meeting were able to maintain social distancing and wore face coverings.
- Hand sanitizer was made available at the entrance of the town hall.
- Meeting room occupancy was restricted to no more than 50% of the maximum occupancy (or 48 persons). Less than 48 persons attended this meeting.

Agenda:

- 1) Approve the meeting minutes. – April 12, 2021**
- 2) Old Hickory Golf Course – 6652 Big Tree Road, Livonia, NY.**
Modification to Site Plan 75.-1-18.21
- 3) Torin Gleeson – 3488 Poplar Hill Road, Livonia, NY.**
Sketch Plan – 66.-1-44.320
- 4) Dollar General – 4797 Main Street, Hemlock, NY.**
Final Site Plan – 85.-1-67.1

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

1) Approve Meeting Minutes for April 12, 2021. Chairman Rick Bennett asked for a motion to approve. M/2/C (R. Haak/J. Sparling) approved as submitted. Carried 7-0.

2) Old Hickory Golf Course – 6652 Big Tree Road, Livonia, NY.

Chairman Rick Bennett asked David Roome to come forward for the proposed 30' X 60' Pavilion. David stated that he purchased the Golf Course the end of January and has been doing some painting and cleaning things up. One of the first things that he would like to do is build a Pavilion near the Clubhouse. He has purchased 40 new Golf carts and this will be used to park the new Golf Carts under during the season. They have a lot of senior members and this will provide the carts closer to the parking lot for when the Golfers arrive. He has also applied for a

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Building Permit for a ramp that will come up from the parking area to the Deck, so they can remove the existing stairs. The Pavilion could be used for Golfing Banquets, instead of having them inside. The Pavilion will be identical to the one that was built in Geneseo at the Livingston Country Club. CEO Adam Backus stated that this is his current plan, but he will be back again with more substantial proposals for a new Clubhouse with a bigger kitchen and deck. For right now it is just the proposed Pavilion, which is not increasing the fire loads, and is a Modification to the existing Site Plan. David stated that he is taking this one step at a time and would love to build a new Clubhouse this fall, but until the price of lumber goes down, he will have to wait. The new Clubhouse will be all one level with no stairs and will have a new restaurant. They want to make it Golfer and Town friendly. They would also like to have a pond with a fountain, and in the winter, families could come to ice skate on the pond. They have a lot of plans but the only thing that is holding them back is the cost of the building supplies. They have done a lot of work on the grounds and have taken down a lot of trees, which the golfers are happy about. They want the course to be the nicest course in Livingston County. Larry Willoughby asked if the Pavilion will remain open on all sides? David stated for now it will be open, in the future they may add garage doors to be pulled down during the winter months. Larry Willoughby asked if the carts are propane? David stated that they are gas. Larry asked if there will be any electrical inside the Pavilion? David stated that there will be LED lights and a couple of outlets. David also noted that the new carts will have GPS on them so they will know where the carts are, and the Golfer will know where they are located on the greens.

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

There was a comment from a gentleman in the audience. He stated that he was in favor of the project and likes to see businesses be successful in this area.

Chairman Rick Bennett asked for a Motion to approve the Modification to Site Plan as presented. Motion to approve: M/2/C (J. Palmer/J. Brown) Carried 7-0

3) *Torin Gleeson – 3488 Poplar Hill Road, Livonia, NY.*

Chairman Rick Bennett asked Torin Gleeson to come forward for the discussion regarding the property located at 3488 Poplar Hill Road. ZCA Julie Holtje stated that the history of the property is that Mark Brown would like a frontage lot located on Poplar Hill Road. We have previously had a lot of Subdivisions and the road frontage on Poplar Hill is starting to go away. It was requested to the applicant that he take into consideration an overall build out. He had provided a sketch from his Engineer where they showed the provision for a 60' access. We wanted the applicant to be aware that there will be additional frontage needed on Lot # 13 because it will be a corner lot. Torin stated that the priority right now is Lot # 15, for Mark Brown. He doesn't currently have intentions of subdividing off the rest of the lots. CEO Adam Backus stated that this is a tough situation. As the previous owner of the farm property was aging, she subdivided lots, as needed for income. A lot here and there was fairly minor, but we are now at a point where, the impacts of additional subdivisions need to be considered for the remaining 90+/- acres (mostly stormwater and future use/access management). Subdivisions of

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multiple lots, without consideration of the overall impacts can create “patches”, and those patches can end up much like an ugly quilt. Stormwater management and future access, or use of the area, need to be accounted for at this time. We are asking the applicant for conceptual, full build-out plan. We realize that it can be difficult to conceptualize future plans, when the new owner doesn't know what his plans are yet, but we still need him to show some potential build-outs so we can plan ahead. Currently they are chewing up so much road frontage, there is no access to the back lands. As a compromise for this current single lot proposal, this Department believes it would be reasonable for the Board to accept plans which account for zero stormwater runoff at full buildout of the new parcel. Robbyn Haak asked for clarification regarding the two different conceptual maps. Torin stated that they are basically the same, Lots 13-15 and Lots 1-9 are the same. Lots 10, 11, & 12, have changed. Robbyn stated that the numbering is different, on one map it shows Lots 13-16, and on the other map it shows Lots 12-15. ZCA Julie Holtje provided clarification for the Board, and stated that if you refer to the aerial map that was sent in the email, it shows the 60' wide access that agrees with the survey map that was done in the last year.

CEO Adam Backus stated that the application will need to account for all the storm water on site, provide a future build out allowing a 60' access for future use of the land, and Site Plan approval is required prior to the issuance of a Building Permit. It needs to be noted on the Survey Map that future Subdivisions will require a total storm water management plan. Chairman Rick Bennett stated that Lots # 13 & 14 don't exist, they are just concepts at this point. Torin stated that all the numbered lots are conceptual at this point, except Lot # 15 that Mark Brown wants to build a house on. Jack Sparling asked if there are currently water problems on this lot? CEO Adam Backus explained that all the water would flow West and North, but the farmer who owned it before was willing to accept the water. It would not be appropriate for multiple (future) lots to have to accept and account for stormwater from the previous developments. For example, there are two residential dwelling lots at the Northwest end of the property, and much of the water from the 90+/- acre parcel flows through their property and into a culvert under one of the driveways. We need to make sure future development does not adversely affect them. We are asking the applicant for a map with these provisions recorded on it so the that Planning Board will be familiar if/when he returns in the future, and so that future owners can be made aware of these requirements. Chairman Rick Bennett stated that the intent of this meeting is so that the applicant can receive any comments from the Board and is aware of how to proceed. CEO Adam Backus stated that we are trying to find a balance between the current (minimal) plan and the potential impacts of future development. This seems to be a reasonable solution. Larry Willoughby asked if all the Lots meet the minimum size requirements? CEO Adam Backus stated that they did, but to be clear, the other Lots are only showing potential build-out so that future impacts can be accounted for. At this time, the only thing on the table is Lot # 15.

Chairman Rick Bennett stated that the applicant can proceed to the next step of Subdivision for Lot # 15.

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2) *Dollar General – 4797 Main Street, Hemlock, NY.*

Chairman Rick Bennett asked Bob Gage of GBT Realty to come forward for the proposed 9100 Sq. Ft. retail building known as the Dollar General. Bob stated that there were requests with regard to the building elevations and referred the Board to map A02. Goose neck lights on the front of the building have been added. The signage mimics the building and is within the 20 Sq. Ft. requirement. They are showing the revised tree line on the Site Plan as requested. They will not be cutting that area back and will post signs in that area stating that the area is not allowed to be cut. The Sidewalk requested is in place and shown on the drawings. The D.O.T turn around area will be seeded, and they have received a letter back from the D.O.T. approving their concept plan. They didn't have any issues with the locations of drives or what they were asking for in the widths, or the aprons that they proposed. They are working with the D.O. T. on a few technical items and will be receiving a letter back from them in the next few weeks regarding that. They will be seeding everything, less the area that the D.O.T. wants for their turn around area. ZCA Julie Holtje stated that the DOT has approved removing the turnaround entrance on 15A and that area can be seeded as well. Bob stated that he is here to request final approval on their Site Plan.

Chairman Rick Bennett asked to review the list of items that were requested from the applicant. The NYSDOT approval is not complete yet but should be shortly. Chair Rick Bennett asked for the status regarding LCWSA. CEO Adam Backus stated that one thing that needs to be worked out is the number of hydrants and the adequacy of flow, which could be done during the Building Permit process. We just wanted to ensure fire protection would be feasible. It is not 100% complete, but the applicant needs to understand that a building permit cannot be issued unless adequate fire flow has been determined and accounted for. Bob Gage stated that it would not be a problem. Jeanne Brown stated that she thought they would also need septic on the site. CEO Adam Backus stated that they have already obtained their septic permit. Chairman Rick Bennett stated that it was noted that the drawings are required to be stamped and signed by a licensed Engineer. Bob Gage stated that they typically do that on the final set once all the revisions have been done. Chairman Rick Bennett asked for the status with the Town's Engineer. ZCA Julie Holtje stated that we are just waiting for the final comments, to make sure they have answered all the questions. Jack Sparling asked if Clark Patterson Lee had any additional questions when they were going through the step-by-step items. ZCA Julie Holtje stated that we are waiting for CPL to review the applicants' answers. Robbyn Haak asked for clarification regarding the truck turning radius. ZCA Julie Holtje stated that CPL's original comment was that the applicants original truck turning plan movements were difficult to understand. It was requested to, either provide separate plans for the in and out movements or use colors to differentiate between the in and out movements. Separate truck plans have been added to C904. They also had a question regarding the actual size of trucks used for the deliveries, and it appears the truck movements may interfere with parking spots on the south west corner of the lot. Will trucks be able to make the corner if cars are parked there? The applicant's response was that the truck turning movement has been revised to not interfere with any of those parking spaces. Robbyn Haak asked how, and do we have that information? Bob Gage noted that it was included in the truck turning pages in the plans. Bob explained that the truck pulls in front of the building, then backs into the loading area. Chairman Rick Bennett stated that the plan was to put signage in that area to instruct the truck drivers that unloading will be located on the south east corner of the building. Bob stated that this is a typical layout for the store, there are 17,000 stores and they are

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all laid out the same. Robbyn Haak stated that they all pull into where the customers are parked! Bob Gage stated that was correct, but they typically try to do it before the store opens. Robbyn Haak commented that that does not happen. Bob Gage stated that it is designed that the drive aisles are larger than the normal drive aisles. There is room for the trucks to do these maneuvers without getting in any parking spaces or running off the asphalt. Robbyn Haak stated that she was more concerned about pedestrians. Jeanne Brown stated that this layout is similar to the CVS in Avon and the delivery trucks seem to be able to maneuver to the unloading area. CEO Adam Backus stated that this has been brought up before and it is one thing to say that this is what Dollar General trucks will do, but not what Pepsi, Coke or other vendors will do. It wouldn't be uncommon for them to show up at the same time and they will park wherever they park. Chairman Rick Bennett stated that they will most likely park at the closest spot available in order to bring their delivery into the building. We are talking about the Dollar General trucks, which will be the biggest trucks coming on site.

Chairman Rick Bennett stated that Livingston County Planning Board has recommended approval. ZCA Julie Holtje confirmed that was correct. Chairman Rick Bennett stated that the speed limit was also a big issue. The Town Board sent a request to the D.O.T recommending a reduction of the speed limit to 35 MPH, and we are waiting to hear back from them. CEO Adam Backus stated that the D.O.T is okay with them seeding part of the turn-around, but they want the Town to take responsibility to maintain it. He believes that Dollar General should be responsible for mowing that area. Chairman Rick Bennett stated if Dollar General seeds it, they are responsible for it. Bob Gage agreed they would.

Chairman Rick Bennett asked if anyone had any comments.

Bob Nilsson of Hemlock stated he wanted to thank the Board for hearing and listening to his previous comments at the prior meetings. He was curious if the final approval could be contingent on the speed zone reduction approval. He feels that the truck maneuvers are dangerous and if several trucks come in at the same time, someone is going to be out on the shoulder of the road, and that would be very dangerous. The north face of the building shows yellow lettering, he had thought the previous drawings showed blue. He felt that the building design has changed quite a bit. The first design was really nice and then it came back with something that was really yucky, this new plan seems to be a compromise. The trees on the north face of the building are all dead, due to the ash bore insect or from pollution. Robert Scotts letter articulated the concerns regarding the contamination in the turn around from years of trucks parking and turning there. There is an abundance of salt that goes there from plow trucks turning around. With the trees gone, the north face of the Dollar General building will be in plain view. The last plan showed a retention pond there, if you're coming from 20A all you will see is a bare metal structure and a pond. Even installing a berm and planting trees won't take effect for 10 -15 years. Hemlock would be so much better without the Dollar General store. Livonia has survived 16 years with the Dollar General store in Livonia. There are a lot of reasons Hemlock does not need the Dollar General store. Many brick and mortar stores are going out of business, and Dollar General is constructing twenty new stores every week. It will only employ 6 employees, and this will be a detriment to Shur Fine. He asked if we could have the blue sign lettering, do something with the front of the building, and make the final approval contingent upon the speed zone change.

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Valerie Singleton of Hemlock is in favor of the Dollar General and feels Bob Nilsson is trying to keep Hemlock from growing. A lot of people are in favor of the Dollar General. The proposed building looks nice and fits in. People will have sidewalks to walk on to get there. She goes to Honeoye 4-5 times a week and has never had any traffic issues at that intersection. She feels that Bob doesn't want the Dollar General for his own personal reasons. Some said that the Hemlock School shouldn't have been renovated to what it is today. It is doing fine and it is directly across from the Hemlock Fair and there are not any complaints about traffic. There are a lot of elderly people who live in Hemlock, that don't drive and could really benefit from the Dollar General. It will be a lot easier for Hemlock residents. There are many more eye sores in Hemlock than a new Dollar General store.

Ron Brisbane from Hemlock has lived there for 56 years. Most of the people that he has talked to are in favor of the Dollar General store. The yellow is the Dollar General color and they shouldn't have to change the colors for Hemlock. There are only approximately 100' outside the 35 MPH zone. The speed should not be an issue. Dollar General has given in to everything the Town has asked for, give them a break, the people of Hemlock want this, and can't wait for it. They had a petition and there were many signatures of people that really want this. Give Hemlock a break. People have called the Town but didn't come tonight because they were told that this would go through tonight.

CEO Adam clarified for the record, that no one has called our office and been told that the "application was going to go through tonight" or suggested to anyone that they "should not bother attending". He did receive a comment or two suggesting that we might be holding things up or that there were "problems", and responded that he was not aware of any "problems"; the site plan review is proceeding as per usual and that we are following the procedures and processes as we are moving forward. He also forwarded the most recent Planning Board follow-up letter, which was sent to the applicant, explaining where we stood in the process.

Chairman Rick Bennett and the Board reviewed SEQR. Negative declaration was determined. Motion to approve: M/2/C (J. Brown/L. Willoughby) Carried 7-0

Bob Nilsson asked who would be responsible for the snow removal for the sidewalks. CEO Adam Backus stated that that would be a Town Board issue, but that the Town does not do sidewalk snow removal.

Chairman Rick Bennett stated that the approval is based on the following conditions:

- The applicant agrees to seed the portion of the D.O.T. turn-around. The applicant will be responsible for the grass cutting and that should be added to the Site Plan.
- Final D.O.T. approval and recommendations.
- Fire flow is a work in progress and applicant is willing to make any necessary improvements.
- Final comments from Clark Patterson Lee.

Speed Zone is not part of the Planning Board approval process. CEO Adam Backus stated that we did our due diligence and brought this to the Town Board to petition the D.O.T. to reduce the speed to 35 MPH.

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Chairman Rick Bennett asked for a Motion for Site Plan approval with the above referenced conditions. Motion to approve: M/2/C (J. Sparling/R. Haak) Carried 7-0

With no further questions, Chairman Rick Bennett asked for Motion to adjourn the meeting at 8:05 p.m... Motion to adjourn: M/2/C (R. Haak/J. Sparling) Carried 7-0

Respectfully Submitted,
Alison Houk, Recording Secretary