

LIVONIA JOINT PLANING BOARD

May 24th, 2021

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

Excused: L. Willoughby.

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 26, 2021

*2) Robert Gallagher/Prometheus Farm & Market – 5804 Decker Road, Livonia, NY.
Site Plan 92.-1-33.1*

Chairman Rick Bennett opened the meeting at 7:02 p.m.

1) Approve Meeting Minutes for April 26, 2021. Chairman Rick Bennett asked for a motion to approve. M/2/C (R. Haak/J. Palmer) approved as submitted. Carried 6-0.

2) Robert Gallagher/Prometheus Farm & Market – 5804 Decker Road, Livonia, NY.

PLEASE TAKE NOTICE that the LIVONIA JOINT PLANNING BOARD will hold a public hearing on Monday **May 24, 2021** at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of **Prometheus Farm & Market, Robert Gallagher** for Site Plan review according to Section 150-116 (E) of the Zoning Code of Livonia.

The proposal is for a Farm Stand from an existing agricultural building, consisting of on-farm production, preparation, marketing and direct sales of Farm products and artisan goods. The property is located at **5804 Decker Road**, Livonia, New York, Tax Parcel # 92.-1-33.1, and is zoned Agricultural Residential Conservation District (ARC-3). 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.

In addition to attending personally, the Public Hearing will also be held using the remote meeting platform Go to Meeting, so that the public could participate via telephone or video conferencing.

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Chairman Rick Bennett asked Robert Gallagher of Prometheus Farm & Market, and Attorney Betsy Brugg to come forward for the Public Hearing discussion. Betsy stated that she has been working with Dr. Gallagher and they are present to reestablish the use that has been there. They have worked with the Town to define the scope of what he would like to do moving forward. He would like to open for business and also be a good neighbor, and has requested this meeting be open to the public for comments and to establish a relationship with the neighbors. He would like to have a rapport with the community, let them learn more about what he is doing, and provide an opportunity for some dialog. Dr. Gallagher would like to open a roadside stand in the existing barn. They worked to define the scope by limiting the amount of area to 1200 square feet, which meets the requirements of the Code. He will have products and produce for sale in addition to what is grown on the farm. He will also have some added value items such as baked goods. Betsy stated that the Board has been given a detailed Site Plan, a narrative of the proposed operation, details of how the Barn space will be utilized, and how it will conform to the Code requirements. The use is permitted, and she pointed out that the Site Plan review and approval was a requirement for the permitted use. The Town does have a "Right to Farm" law, and they think it would be a good idea to engage with the legislative body in terms of the Town Code being brought up to date to reflect the "Right to Farm" law, which is an issue outside of this meeting. The Comprehensive Plan supports what Dr. Gallagher is trying to do. The Plan is an operation that will utilize the Barn, for which a detailed floor plan has been provided showing the layout for where items will be displayed and sold. Some areas of the Barn will not be allowed for public access, such as work and prep areas, which won't be counted in the Roadside Stand area calculations. The Site Plan describes where the products will be grown, and also shows parking. Dr. Gallagher did consult with SRF, a professional Traffic Consultant to confirm that there will be enough parking and there will not be any adverse impact on the traffic. The Health Department has been consulted in terms of the preparation of product and water quality; they are just waiting for confirmation back.

Chairman Rick Bennett stated that the Board is generally in favor of the proposal, but anytime they review a Site Plan like this one, they like to see the overall thought process. In this case, it became too involved, to the point where there was discussion of bringing buses, which presented issues from lot size to parking availability. This proposal is much simpler. CEO Adam Backus asked if the Professional Traffic study has been submitted to the Town? Betsy stated that it has not been submitted as they only just have a draft copy at this point. CEO Adam Backus stated that since Dr. Gallagher is proposing twelve parking spots, what was the number of cars the traffic study was assuming. Betsy stated that she believed they used "ITE" traffic standards. It was based on a 1200 Sq. Ft. Facility, five cars entering during the week during peak hours, and five exiting. Peak hours on Saturday would have twelve entering and exiting, which would be the maximum. Based on SRF projected trip generation of fourteen or fewer peak hour vehicle trips added to the single intersection during the PM or Saturday peak time. Parking demand is for approximately seven parking spaces. The proposal is showing twelve parking spaces with six overflows, that can accommodate the projected demand. They will provide a final copy of the traffic study once it is received.

Attorney James Campbell noted for the record that there were two favorable letters received by people who could not attend this meeting. Letters from Carol Williams and Gabriel Costanzo,

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which are on file in the Building & Zoning office for public review. CEO Adam Backus noted that there have also been other messages (positive and negative) that have been received regarding this proposal. The applicant has narrowed down their current plans which are for a Roadside Farm Stand. Any future plans will require additional review. Jeanne Brown asked; what would trigger Planning Board involvement for other uses, such as a restaurant having music events, etc. CEO Adam Backus stated that this is a little different situation, as it falls under the umbrella of agriculture. Most Restaurant's would be located in a Commercial District subject to Site Plan and Performance standards. If they modified that by adding music, they would be brought back to the Planning Board for review. There may not be a comparison regarding their bigger plan. Robbyn Haak stated that if they want to add something and do more, they would need to come back for review. CEO Adam Backus stated that this application is to get them going and headed in the right direction. As time goes by, hopefully there will be a pattern of no adverse impacts so when they want to modify, there will be a base to make some assumptions. It was previously touched on that there were some grand plans and it's a lot to comprehend and that makes people nervous. It may never be anything that impacts anyone, but right now we don't know, and it sounded like a major tourism attraction. This is a good opportunity for them to get going and see how things develop. If something comes up in the future, people will be able to weigh in on how things have been going up to that point.

Robert Gallagher stated that he spoke to John Rolison of Empire Realty, as the issue was raised on property values. He did forward some information late on Monday to the Building and Zoning office. The point of this information was, from his research, these types of Farm Markets are assets to the community. Chairman Rick Bennett stated that there are quite a few Farm Markets in our area and he hasn't heard anyone complain about them. CEO Adam Backus stated that he felt that it was too soon for any Relator to make an assumption, and it really depends on what this turns into. Robbyn Haak stated that this doesn't sound like the typical road side stand. Having prepared items is different from the average roadside stand. Attorney Betsy Brugg stated that the Town Code doesn't regulate what is being sold, it could be a regular loaf of bread, or a high-quality bread with goat cheese and fresh eggs. It's the same use, only it is a little higher end; Artisan products. Chairman Rick Bennett stated that this has an advantage over the other roadside stands around this area. Most are right on the road with very limited parking. Attorney Betsy Brugg stated that she has no expertise in value of properties, but these don't typically impact property values or have negative impacts. CEO Adam Backus noted that we are currently talking about 7-12 cars, and not hundreds of people coming in on buses. Robbyn Haak asked for clarification on the wood stove in the existing barn, and asked if it would be used while customers were onsite? Dr. Gallagher stated that it would possibly be used and he has been discussing the wood stove operation with CEO Adam Backus. CEO Adam Backus stated that the wood stove will be addressed, and will have to comply to public safety standards.

Chairman Rick Bennett opened the Public Hearing and asked anyone who wished to speak to state their name and address for the record.

Andrea Stephens of 5795 Decker Road stated that she lives directly across from Prometheus Farms. She is glad, after reviewing the scaled down plans. They have chosen to live on a back country road because they wanted to live on a back country road without a business across the street. She is concerned that if they decided to sell their property, someone may not want to buy

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it with a business across the street. Traffic is another concern, as it is located on a slight turn coming up a hill. It is hard enough now to back out of her driveway without having additional traffic. She is concerned about the safety of her children and pets with increased traffic in the area. She would like to know if there is a plan to keep the goats penned up, as sometimes, they are not staying on Mr. Gallagher's property and are across the road. She hopes that the goats don't come down to her property as they eat everything. She is very concerned about the potential for this to become bigger than just a Farm Stand. If there is an issue with parking, since Mr. Gallagher's side is a ditch, people will be parking in front of her house as it is the only low spot available to park. Being directly across the street, their plans do impact her and her family the most. Andrea asked if this was a year-round operation or just in the summer? She wanted to know if this would impact her kids getting on and off the school bus. Attorney Betsy Brugg stated that they will comply with the Town Code in respect to the operation. It will be open May-September, with the exception of seasonal sales such as pumpkins for Halloween. Betsy Brugg pointed out that the use is permitted, and they are here for Site Plan. The ARC-3 District allows Roadside stands, Agricultural operations, and conditional uses. You could have a public utility, Campground, Bed & Breakfast, Kennel/Animal Boarding; public use such as place of worship or religious school, a commercial daycare; all of which could have a huge amount of traffic. It is not strictly a residential Zoning.

Michael Swain of 5760 Decker Road, located to the west, stated that previous plans included five or six old camper trailers for people to stay in. He stated that those campers are still spread out all over the property and are an ugly eyesore. Can they go away? Attorney James Campbell stated that this is not a part of the current Site Plan in terms of usage or what is being proposed. It is his understanding that they are being renovated. If they are licensed, registered or insured there is not prohibition for that. Robbyn Haak stated that this was brought up previously, regarding the five or six campers, and they are currently still there. Robert Gallagher stated that two trailers are for living, the rest are going to be modified for the farm operation. The two living trailers are currently placed where he would like them to be, and the other ones are behind the shop as they are being worked on. CEO Adam Backus asked Mr. Gallagher to confirm that, when he states "living in the campers", he means; within the guidelines, not to exceed the maximum 14- consecutive day occupancy. Mr. Gallagher stated that was correct. Attorney Betsy Brugg stated that the trailers that are being worked on are not part of the current use. Regulations allow him to continue working on them. CEO Adam Backus stated that we are aware of the trailers, but that is not applicable to this Site Plan review. Attorney Betsy Brugg stated that since there has been concerns about the trailers, they will agree to keep them in good repair and continue to work on them for one year. After the year is over, they can be addressed or moved if plans have changed. Jack Sparling asked Mr. Swain where his property was located in relationship to Prometheus Farms. Mr. Swain stated that he is located to the west, next door. His property line is about 20' off the farm. Jack Sparling stated that Mr. Swain's house sets pretty far back off the road. Jack Sparling asked where the trailers were located that were not being used? Mr. Gallagher stated that the trailers to be restored were located behind his shop, which is behind the house. Robbyn Haak stated that there were two trailers out behind the barn. Mr. Gallagher stated that they were used for living.

Tawn Feeney of Conesus stated that she knows Rob by volunteering at this farm. Last summer he had a huge vegetable garden and several volunteers came over to help pick the vegetables,

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which were sold at the Little Lakes Community Farm Market. Mr. Gallagher shared the proceeds with Little Lakes Community Center. The produce was very popular and high quality. It was a very good partnership. In addition, he grew a large number of flowers which were sold at the Little Lakes Farm Market, and some were donated to the local Nursing Homes in the area every Saturday. It gave to the community and she felt very good about being apart of that. She does understand the neighbors' concerns about traffic. She lives in the middle of nowhere on Marrowback Road. She would be concerned about the traffic and about kids getting on and off the school bus. She is assuming that Rob would not open up until the children have gotten onto the school bus. They are not talking about a huge number of cars coming and she believes that Rob will have proper signage to direct customers where to park. From her experience, a farm market doesn't draw a large amount of people at one time. Attorney Betsy Brugg stated that the hours of operation would be 10am-8:00pm. Peak time would not be until the evening.

CEO Adam Backus stated that one of the main things the Planning Board looks at with something like this is whether cars can get on and off the road in a safe manner without backing out into traffic. Mr. Gallagher has an area for cars to turn around. It wouldn't be uncommon for the Board to request that there be no parking on the side of the road.

Jeanne Brown stated that a good comparison might be the Palmiter's Garden Nursery in Avon. It is a nice farm market within a residential area.

Chairman Rick Bennett closed the Public Hearing. Motion to close the Public Hearing: (J. Palmer/J. Sparling) Carried 6-0

Chairman Rick Bennett and the Board reviewed SEQR. Negative declaration was determined. Motion to approve: M/2/C (J. Palmer/D. Andersen) Carried 6-0

Attorney James Campbell stated for the record that this application was referred to the Livingston County Planning Board and their response was: The Livingston County Planning Department has reviewed this application and, in consultation with the Town of Livonia County Planning Board representative, determined that it has no significant Countywide or inter-municipal impact in regard to existing County plans, programs, and activities. Therefore, approval or disapproval of this application is a matter of local option. Please be aware that a determination of "No Significant Countywide Impact" should not be interpreted as either approval or disapproval by the County Planning Board.

Chairman Rick Bennett stated that the Board will reserve the right for CEO Adam Backus to perform a site visit, if there are any complaints. The applicant is to come back within one year regarding the status of the trailers. Hours of operation will be 10am to no later than 8pm, Wednesday through Sunday, May through September except weekends in October, up until Halloween for Pumpkin sales. Traffic will be 7-12 cars. Chairman Rick Bennett noted that anything that it done inside the building has to be up to Code and subject to CEO Adam Backus's review. Chairman Rick Bennett stated that the Board requests signage be put up within the facility indicating there should be no parking on the road. The applicant is responsible and needs to be proactively involved with parking to ensure there are not any issues. Attorney Betsy

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Brugg stated that the applicant would be willing to put up a sign that says “children at play”. Robbyn Haak stated that the sign needed to be located on the applicant’s property, and not on the road. CEO Adam Backus stated that signage on the road would need to go through the Town Board. Chairman Rick Bennett stated that if there are future complaints, the Planning Board reserves the right to have the applicant to return for further review. Attorney James Campbell stated that this also applies if the applicant requests further expansion.

Chairman Rick Bennett asked for a Motion to approve the Site Plan as presented, with the hours of operation, roadside traffic, parking regarding the comments of concerns as indicated above. Motion to approve: M/2/C (J. Sparling/D. Andersen) Carried 6-0

With no further questions, Chairman Rick Bennett asked for Motion to adjourn the meeting at 7:49 p.m... Motion to adjourn: M/2/C (R. Haak/J. Palmer) Carried 6-0

Respectfully Submitted,
Alison Houk, Recording Secretary