

**LIVONIA JOINT PLANING BOARD**  
**JUNE 14, 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. – May 24<sup>th</sup>, 2021*
- 2) **Brain & Rosemeire Teachout – 3469 Lakeville Park, Lakeville, NY.**  
Conditional Use Permit/Public Hearing – 65.63-1-33.2*
- 3) **Matt Halladay – Land Conservationist with Genesee Valley Conservancy.***

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

1) Approve Meeting Minutes for May 24<sup>th</sup>, 2021. Chairman Rick Bennett asked for a motion to approve. M/2/C (J. Brown/R. Haak) approved as submitted. Carried 7-0.

*2) **Brian & Rosemeire Teachout – 3469 Lakeville Park, Lakeville, NY.***

PLEASE TAKE NOTICE that the LIVONIA JOINT PLANNING BOARD will hold a public hearing on Monday **June 14, 2021** at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of **Brian & Rosemeire Teachout** for approval of a Conditional Use Permit per Section 150-20D of the Zoning Code of Livonia. The proposal is for the construction of an Ice Cream Stand, Pavilion, and to allow parking for transient Food Trucks located at **3469 Lakeville Park**, Lakeville, New York. Tax parcel number 65.63-1-33.2. The Conditional Use Permit is required per Section 150-37 D (2). The property is zoned Waterfront Development (WD). 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.

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Chairman Rick Bennett asked Brian & Rosemeire Teachout to come forward to discuss the proposed Ice Cream Stand, Pavilion and Food Truck parking. Brian stated that the property is the triangle lot that is located behind 5820 Big Tree Road. They are proposing 4 food trucks to start. Food Trucks would park along their property near Lakeville Park Road. They own the building in front of this lot, that provides 21 parking spots for patrons to park. They would be installing a fence in the area that runs behind the Chinese Restaurant to keep people from parking and entering in through that area. There will be no patron parking near the Food Trucks. The second phase would be to add a Pavilion and Ice Cream stand. They have also considered having a Food Truck during the ice fishing season that would serve the fisherman. The Park is a carry in/carry out. They plan to have a dumpster in an enclosure located behind the building in front of this lot for their garbage. Jeanne Brown made it clear that they would need to plan for garbage other than carry in / carry out. Jack Sparling asked how they plan to manage the Food Trucks. Brian stated that reservations would be needed, and that they would be controlling the number of trucks coming onsite. They are considering charging a deposit, so the site is clean when the trucks leave the site. Robbyn Haak asked how the traffic was going to be controlled. Brian stated that there will be no parking on Lakeville Road, and that all parking would be located in the lot behind the old Nothnagle building, not Vitale Park. CEO Adam Backus stated that we don't want to attract more traffic to the intersection on Lakeville Park Road. How people are going to access the area needs to be determined, and the D.O.T should be consulted. Robbyn Haak asked how many Food Trucks they were planning to have. Brian stated that they would like to start off with 4 trucks. Dawn Andersen asked if they have reached out to other areas that have Food Trucks. Brian stated that they have done some research online. Dawn stated that there are groups of Food Trucks that park at the American Legion in Avon. They may be able to provide some guidance. CEO Adam Backus stated that drained is a concern in this area and that will need to be dealt with prior to anything being done. The water needs to be directed to the outlet and an easement for a catch basin, which would be addressed through the Town Board. The goal tonight is to gather information and ensure there are no adverse impacts to the neighbors.

Chairman Rick Bennett open the Public Hearing. He asked that they state their name and address for the record.

John Myers of 3466 Lakeville Park is concerned about Lakeville Park Road. There is a lot of water and drainage issues in this area. Two years ago, the Town Attorney stated it was going to be a Town Road that the Town maintained, that has not happened. He has previously asked Seth Bagley who owns 3461 Lakeville Park to bring in gravel to help with the drainage problems. He feels that Lakeville Park Road should be a Town Road, and maintained by the Town. He is an employee of Vitale Park and the garbage is a constant problem. After the Park closes, he will walk the Park and usually picks up a couple of big bags of garbage that people leave behind.

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Since Covid-19, Park attendance is up which means more people with more garbage. There are cameras in the park and he has witnessed someone taking their garbage and throwing into the dumpster behind the Chinese Restaurant.

Larry Maier of 3474 stated that since they cleared the area for Vitale Park, his property has been a swamp and floods like a river under his home when there is a lot of rain. He has tried to address this with the Town since 1995 when Larry Stewart was Highway Superintendent. Larry Stewart promised back in 1995 that drainage would be put in on the west side of the park. He also was concerned about adding more lighting to that area. He gets a lot of lighting on his property from Vitale Park at night. He doesn't want any more lighting. He asked what the hours of operation were going to be. CEO Adam Backus stated that storm water, hours of operation, lighting and impact to neighbors would be addressed prior to Site Plan approval.

Larry Willoughby asked how the Food Trucks will access Lakeville Park Road in the winter time since it is not maintained by the Town. John Myers stated that is very difficult, he does try to snow blow the road to make it passable.

Chairman Rick Bennett stated that the development will be discussed and the Board will want clarification of the proposed hours of operation, lighting, traffic and noise. Chairman Rick Bennett asked if there will be any music? Brian stated that they do not plan on having any music. The Food Trucks may have generators on board, but there will be no free-standing generators. Chairman Rick Bennett stated that if Vitale Park closes at 9pm, they should plan to tie in with 9pm for a closing time. Access from the Teachout property located at 5820 Big Tree would require an easement.

Chairman Rick Bennett kept the Public Hearing open for further comments.

**3) *Matt Halladay – Land Conservationist with Genesee Valley Conservancy***

Matt Halladay came forward for the discussion regarding the Farmland Protection Grant to NYSDAM. There was a brief discussion regarding the goal to protect the habitat, open space and farmland of the Genesee Valley region. Matt stated that currently Fire Creek Farms has a pre-application to Livingston County to be considered for the Grant. Matt stated that he will be attending the Town Board meeting on Thursday, June 17<sup>th</sup> to discuss the grant with the members of the Board.

With no further questions, Chairman Rick Bennett asked for Motion to adjourn the meeting at 8:12 p.m...  
Motion to adjourn: M/2/C (J. Palmer/J. Sparling) Carried 7-0

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Respectfully Submitted,  
Alison Houk, Recording Secretary