

LIVONIA JOINT PLANNING BOARD
November 28, 2022

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

Excused: Attorney J. Campbell.

Agenda:

- 1) Accept and approve the meeting minutes of August 22, 2022*
- 2) Conesus Lake Properties – 6133 Big Tree Road, Livonia, New York.
Lot Line Adjustment concept*
- 3) Gerry Gilbert – Big Tree Road, Livonia, New York – Tax # 75.-1-65.1
Sketch plan concept*

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

1) Approve Meeting Minutes for August 22, 2022. Chairman Rick Bennett asked for a motion to approve. M/2/C (J. Brown/R. Haak) approved as submitted. Carried 7-0.

2) Conesus Lake Properties – 6133 Big Tree Road, Livonia, New York.

Chairman Rick Bennett asked Land Surveyor Bruce Bock to come forward to discuss the proposed Lot Line adjustment. Bruce stated that there are two separate tax parcel numbers, and two separate corporations own the properties. The proposal is to enlarge the Nursing Home lot parcel and reduce the size of the dentist's office parcel that will go with the dentist's office, which complies in all respects with Zoning. CEO Adam Backus stated that the parcels could not be combined since there are two different corporations. Bruce noted that when the lots are combined, they will be owned by the same corporation. CEO Adam Backus noted that the lot that they will be creating is in a residential neighborhood district per square footage. However, any change of use in the property or building would involve the Planning Board's approval. He also noted there is a bad intersection there near Pennemite Road, and there are some concerns. We are asking for provisions to be in place to create an Easement through the Nursing Home's existing lot. If we're creating a situation where someone wants to put a single-family home there or a Daycare center, the Planning Board will say no because there is inadequate access. It is currently grandfathered, but when there are changes, we have to look at the bigger picture. It would be in the applicant's best interest to grant an Easement. Without the Easement, you are creating a lot that someone is going to have a hardship with and this will restrict use of the property. There is an opportunity now to grant that property an access Easement. Bruce stated that he would have to consult with his client, but he didn't think there would be an issue with granting the Easement for the access.

Chairman Rick Bennett stated in summary that the Planning Board feels that it is in the owner's best interest to provide the dentist's office property with an Easement for future development

LIVONIA JOINT PLANNING BOARD
November 28, 2022

that provides for improved access. This would reduce the hazardous condition of the current driveway. It will also open up greater opportunities for the property. CEO Adam Backus noted that with an Easement, this applicant would only be granting access. The future applicant for that property would be responsible for the costs associated with installing the access. Jeanne Brown stated that this is in line with the Comprehensive Plan overview, with the Town wanting fewer curb cuts and one access point to branch out to multiple destinations.

CEO Adam Backus asked if the Board is comfortable granting an administrative Lot Line adjustment if the applicant returns with the access Easement or if they would prefer the applicant return for another meeting. Chairman Rick Bennett stated that the Board is comfortable granting an administrative Lot Line adjustment that shows an Easement. Bruce stated that he would email the preliminary drawing after he confirms with the applicant regarding the Easement.

3) *Jerry Gilbert – Big Tree Road, New York*

Chairman Rick Bennett asked Jerry Gilbert to come forward for the Subdivision sketch/concept plan and noted that this proposal is for a one lot Subdivision of a flag lot. ZCA Julie Holtje noted that this proposal would put an end to the accepted concept that showed Kathryn's Way potentially coming down to Big Tree Road, making Kathryn's Way a dead-end street. Our design criteria requires all dead-end streets to end in a cul-de-sac. This would now be a requirement for Kathryn's Way.

Jerry stated that the one lot Subdivision is the goal for now. He did provide a concept map showing the rest of his property along the north side of Big Tree Road, divided into 6 frontage lots. The additional future lots meet the minimum requirements for frontage and lot size. The right of way exceeds the requirements for the driveways, and everything meets the criteria. He would like to establish that the future plan will be acceptable when he is ready to proceed with these 6 frontage lots. CEO Adam Backus stated that ZCA Julie Holtje has previously explained that access management and shared driveways will need to be addressed. Jerry stated that it is a question of whether Big Tree Road is a collector street or not because it doesn't meet that criteria. In previous conversations, there were discussions of the proximity to the Village, and there is a speed limit that would enable slower traffic and allow driveways to be as they are for the size of the lots. Jerry also wanted to point out that the previous concept for Country Elegance showed it fully developed. The lots were only 100' of frontage. Those lots also showed water and sewer, and the lots were smaller.

Jeanne Brown stated that she felt this was a two-fold process. The Board would be approving the closure of Kathryn's Way. Jerry stated that when he came before, he was proposing an end on Kathryn's Way for Patio Homes. The original concept was to develop this area fully and have a road connecting Kathryn's Way to Big Tree. The reason He didn't pursue this concept was that the cost of adding roads and adding water to the end of Kathryn's way was very expensive and wouldn't be profitable. Jerry referred to the map and pointed out that there is a section of land that can't be developed because it is wet and has a drainage area with a detention pond. There is no potential in that section for development. Robbyn Haak asked if he was referring to the lots across from Timothy Trail and over to David Drive. Jerry explained how Timothy Trail and David Drive used to be.

LIVONIA JOINT PLANNING BOARD
November 28, 2022

Chairman Rick Bennett asked Jerry for clarification regarding the location of the existing Subdivision. Jerry stated that it was the first twelve lots. This subdivision (at the end of Kathryn's Way) is economically feasible because the road and, water & sewer are already there. Chairman Rick Bennett stated that if Kathryn's way isn't going to be developed further, it would need to be converted into a Cul-da-sac. Jerry said he has spoken with ZCA Julie Holtje, and it has been this way for a long time. It has an acceptable hard surface turnaround at the end. The buses and snowplows have no issues with the current turnaround. He agrees that if the property located at the end is sold, a permanent turnaround would be in place, and he would provide permanent drainage. Currently, there are no Easements for that, but when it is sold, the Easement would be provided for the Town. He would also have a turnaround put in at that time prior to being sold. CEO Adam Backus asked for clarification as to whether it would be prior to development or prior to being sold. Jerry said he doubted that the whole parcel would be sold to one individual and that it would be required to come for Subdivision approval prior to development. CEO Adam Backus stated that there needs to be a condition prior to being sold. Currently, there is no mechanism in place. Jeanne Brown noted that the Board doesn't want to give him a hard time, but they need to tread carefully with this type of application. Chairman Rick Bennett stated that Jerry did state that before future development is made, it would need to be made a cul-de-sac, but it doesn't need to be done today. ZCA Julie Holtje stated that it had been made very clear that this is now a dead-end road and that it will need to end in a cul-de-sac. Chairman Rick Bennett noted that since this is a concept meeting and the applicant will be returning with an application for Subdivision, the Board requests that the language be included and that those provisions are made at some point. Jerry understood, and it will be dedicated. Chairman Rick Bennett stated that it would be a requirement to add that condition to the rest of the site for any future development or upon sale regarding the cul-de-sac section. When it comes back for approval of the one lot Subdivision, we can require conditions be put on the existing property that requires future development to add the cul-de-sac. CEO Adam Backus noted that the Board should use caution conceptually approving the other six lots. Chairman Rick Bennett stated that the Board has no concerns with the one flag lot. Ashley Baranes asked if the one lot was for a single-family home. Jerry stated that was correct. CEO Adam Backus stated that this Subdivision might affect other properties on either side in terms of access management. He didn't feel it was fair to ask the Board to comment on the 6-road frontage lots at this point. Jerry said that at a previous meeting, the proximity to the Village was discussed, and it could be considered an extension of the Village due to the speed limit being 30 MPH. CEO Adam Backus stated that if the Board grants this Subdivision, it would be unfair to ask them to commit to the other six lots under a conversation that might have happened in the past. That could result in the applicant returning and stating that we won't let him Subdivide those lots because they don't meet access management. Chairman Rick Bennett asked what the biggest hurdle was with the other six lots. ZCA Julie Holtje stated it was access management. It was previously discussed, but those detailed notes are not available at this time. It was quite a lengthy discussion and included a shared driveway, which would require a letter from the Town Engineer. There are several ways to comply, but it is going to take some creativity. In the original concept, on the side of the road where the flag lot is proposed, there were four driveways proposed in the original concept plan. ZCA Julie Holtje stated the definition of a collector street and in our Zoning, 220' spacing between driveways is required. Jerry stated he did bring up at the last meeting that our definition of a collector street was a residential neighborhood District that gives

LIVONIA JOINT PLANNING BOARD

November 28, 2022

access to a major street, which Big Tree Road does not. Jerry noted that the criteria for the collector street were a certain number of driveways within that. He drove over to Honeoye one day and counted every driveway, and with the other driveways, it did not meet the criteria to be considered a collector street. Julie stated that it's the amount of property that could be subdivided that it's capable of serving. Jerry said that when he developed Kathryn's way, the driveways were consistent. He stated that the driveways all had to be on one side to keep them spaced properly. With 100' of frontage, that would be 80' apart, which is very doable. CEO Adam Backus stated that currently, we are dealing with lot one, but he feels the applicant is asking the Board to commit to the other six lots. Chairman Rick Bennett said he felt the applicant was asking what possible hurdles there might be putting in the other six lots. Chairman Rick Bennett stated that the biggest issue is putting in the driveways in conformance with Access Management. Jerry noted that there is 130' of frontage in three of the lots, and there would be no issue with those. Chairman Rick Bennett stated that in order for the six lots to be developed, the applicant will need to comply with access management. CEO Adam Backus wanted it noted that in addition to access management, there might be other issues that come into play with the development. Jerry said he is aware that there may be other items that need to be addressed. There is currently water but no sewer. Septic systems would need to be implemented. ZCA Julie Holtje wanted to clarify that the Town does not give concept approvals because things change over time. This is only a sketch plan discussion regarding the future of the six lots. Jerry asked for clarification regarding collector street. CEO Adam Backus stated that a collector street serves a major street, which this does not. He feels comfortable with the 80%, but he is not comfortable giving any indication that the other lots are a no-brainer. If the Board grants the one-lot subdivision, you can't come back in a year and say you want to proceed with the six lots now. The six lots will have to be addressed when future development is proposed. Jerry stated that he understood. He asked if the 80% is of the lot width; the distance between driveways would be 80' apart. CEO Adam Backus confirmed that was correct for the 100' wide lots.

Chairman Rick Bennett stated that for the Board's benefit, Jerry has an approved concept plan from a long time ago. How does that impact anything here? CEO Adam Backus stated that he could not go back to that at this point as access was cut off. This current plan removes any previous concept approvals. Jeanne Brown thought that there was a reference in the Code indicating what streets were considered collector streets. She stated that there are collector streets that fall under the jurisdiction of the Livingston County Highway Department. Under the "B" sub-section, there is a reference to the designation of other collector streets under Town Jurisdiction. Stone Hill Road, Big Tree Street/Road, Cleary Road, Pennemite Road, and Summer Street. Chairman Rick Bennett stated that according to that Code, Big Tree Street is a collector's street. Jerry stated that he was aware of that but is arguing the validity of being a collector street under the criteria for what a collector street is. Jeanne asked if this might be a question for Town Attorney James Campbell. CEO Adam Backus stated that the definition of a collector street is a street that serves and is designed to serve as a traffic way for a neighborhood or as a feeder to a major street. Jerry asked what the major streets were. Adam stated roads such as Richmond Mills, Main Street, etc. Chairman Rick Bennett noted that there seems to be a contradiction in that chapter that was read and the definition. The Board could make the determination if that is correct or not, or the Board could send it to the Zoning Board for interpretation. CEO Adam Backus said that it's not a major street, but it is serving as a traffic way for a neighborhood.

LIVONIA JOINT PLANNING BOARD
November 28, 2022

Jerry noted that the only stumbling block he can see with the other six lots is access management. He would like to know what would be required for access management before he proceeds. Chairman Rick Bennett stated that nothing was going to be approved at this meeting. Regarding the one-lot subdivision, he felt that we were clear and pointed out that if the house is back further than 400', fire protection will need to be determined. For the 6 frontage lots on the north side of Big Tree, the driveway spacing needs to be determined, and the definition of a collector street. Chairman Rick Bennett stated that Jeanne referred to the Code, Section 150-133, which states that the Board has the right to deviate from the Code for something that will generate less than 150 peak-hour trips. ZCA Julie Holtje stated that Building & Zoning office will take a close look at the Code and make a determination on this topic. If the Board or Jerry is uncomfortable with that, the application can be referred to the Zoning Board for their interpretation. Jerry stated that, at present, it is labeled as a collector street. He questions the definition of the collector street. CEO Adam Backus noted that could be determined prior to returning with the Subdivision application. Jerry noted that he would not be doing any surveying until that can be determined. Depending on the access management requirements, he will decide how to proceed.

With no further questions, Chairman Rick Bennett asked for a Motion to adjourn the meeting at 8:06 p.m... Motion to adjourn: M/2/C (R. Haak/J. Palmer Carried 7-0

Respectfully Submitted,
Alison Houk, Recording Secretary