

## LIVONIA JOINT PLANNING BOARD

June 8<sup>th</sup>, 2020

Present: Chair Bennett, D. Andersen, J. Brown, R. Haak, J. Palmer, J. Sparling, L. Willoughby, CEO A. Backus & Zoning Assistant J. Holtje

Excused: Attorney J. Campbell, Secretary A. Houk

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. –February 24 & March 9, 2020**

**2) East Lake Crew – 4743 East Lake Road, Livonia**  
*Approval of Subdivision*

**3) Lakeville Airport Owners – 5607 Pebble Beach Road, Livonia**  
*Approval of Modification to previously approved Site Plan*

**4) GBT Realty/Dollar General – 4797 Main Street, Hemlock**  
*Site Plan /Sketch conference*

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

1) Approve Meeting Minutes for February 24, 2020. Chair R. Bennett asked for a motion to approve. M/2/C (D. Andersen/J. Brown) approved as submitted. Carried 7-0. Approve Meeting Minutes for March 9, 2020. Chair R. Bennett asked for a motion to approve. M/2/C (R. Haak/J. Palmer) approved as submitted. Carried 7-0.

**2) East Lake Crew – 4743 East Lake Road, Livonia NY**

Chair R. Bennett asked Kevin O'Donoghue, representing East Lake Crew, LLC to come forward for the Subdivision of 4743 East Lake Road, Tax Parcel # 83.-1-36.221. This is a Subdivision/lot line adjustment located at 4743 East Lake Road, lands belonging to East Lake Crew, LLC, surveyed by Welch & O'Donoghue. One 3.146 Acres parcel will be divided into 3 parcels, one of which is to be combined with a neighboring parcel, so only one new parcel will be created. CEO A. Backus stated that parcel "A" will be sold to the adjacent neighbors that the parcel connects to on East Lake Road. Parcel "B" is vacant land, which is not an approved building lot. They will be retaining parcel "C", which has their existing Garage on it.

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K. O'Donoghue reviewed the proposal with a nearby resident. Chair R. Bennett asked if there were any issues Code or Zoning wise. CEO A. Backus stated that it is pretty simple Subdivision. Since this is a sensitive area relative to sight distance & traffic safety, especially when vehicles park on the shoulder of the road, future development of the center parcel should implement off street parking improvements during Site Plan.

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

Chair R. Bennett and the Board reviewed SEQR. Negative declaration was determined. Motion to approve: M/2/C (J. Brown/ D. Andersen) Carried 7-0

Chair R. Bennett asked for a motion to approve the Subdivision as presented. Motion to approve: M/2/C (J. Palmer/ R. Haak) Carried 7-0

### ***3) Lakeville Airport Owners – 5607 Pebble Beach Road, Geneseo NY***

With the applicant not present, CEO A. Backus stated that J. Bruckel is proposing to add an additional new 50' X 100' steel Airport Hanger building to be used for additional Airplane space. They have demolished an old hanger, which was bigger than what they are currently requesting. CEO A. Backus reviewed the proposed building location with the Board Members. There are no issues with Setbacks, only compliance with Building Codes. R. Haak asked if the Bruckel's were the only ones using the Airport. CEO A. Backus stated that he thought that they were allowing those who were already established there to continuing using it, but most of them were gone. R. Haak clarified that from the proposal, J. Bruckel will only be rebuilding one new hangar? CEO A. Backus stated correct, they are proposing one building. J. Bruckel provided a sketch of two options for the location.

Chair R. Bennett asked for a motion to approve the modification to previously established Site Plan, Aircraft Hanger Building with the following requirements: Confirmation and verification of Setbacks prior to the issuance of a Building Permit to insure conformance with Zoning. Motion to approve: M/2/C (R. Haak/J. Sparling) Carried 7-0

### ***4) GBT Realty – 4797 Main Street, Hemlock, NY***

Chair R. Bennett asked Bob Gage to come forward for the discussion of the Site Plan Sketch conference for a proposed Retail store located at 4797 Main Street Hemlock, Tax parcel # 85.-1-67.1. B. Gage stated that they are a development company from Nashville Tennessee, and would like to pursue building a 9100 Sq. Ft. retail variety store, known as Dollar General. The property location is on the southeast corner of Route 15A, South Main Street and Route 20A, and is 3.9 acres. The property is zoned Mixed Use Hamlet which allows for retail properties to be 4000 Sq. Ft. or less. He is here to discuss the proper avenue to allow for a 9100 Sq. Ft. retail store, such as a referral to the Zoning Board for a Variance, and if necessary, offer to consider providing incentives to help to accomplish this. They would also like to know the façade requirements, and any other general development information. They are asking for a referral to the ZBA for a

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Variance for the increased Sq. Ft. B. Gage reviewed the Preliminary Site Plan with the Board showing the proposed exterior, and stated that the Board could choose which exterior they preferred. J. Sparling asked how the Dollar General gets their stock into the store. B. Gage stated that everything comes into the store through the main doors on dolly carts. R. Haak asked if there was any upkeep required on the exterior? B. Gage stated that they are made with a low maintenance material that does not require upkeep. GBT purchases the property, builds the building, and owns the building. They lease back to Dollar General with a 15-year lease, with three five-year options. The idea is that Dollar General will be in the building for at least 30 years. Dollar General will be responsible for all maintenance regarding the building, landscape and parking lot. There will be a clause in their lease to ensure they maintain everything or the development company will fine them. If they fail to provide the upkeep, the development company will come and take care of the problems and then bill the expense to the occupant. J. Brown asked for clarification as to who would own the property? B. Gage stated that the development company will own it. J. Sparling asked about egress and emergencies. CEO A. Backus stated that it can be difficult dealing with companies like Dollar General, regarding fire safety and property maintenance violations. Identifying and communicating with the responsible party can be time consuming and unproductive. It is not uncommon to find electrical panels and escape doors being obstructed by inventory, because they don't have an area available to hold the merchandise. Hopefully with the new stores coming out, this won't be an issue but he would want a clear contact person responsible for fire safety or emergency situations. B. Gage stated that they are breaking away from the older floor plans and going to a bigger floor plan which does have a merchandise receiving and stock room area. They have widened the isles and increased the lighting. There are a lot of improvements with the new floor plan. J. Sparling stated that it should be well documented in the layout where the panel boxes and other utilities are and provide protection that they will not be blocked in case of an emergency. B. Gage stated that they will be submitting a full set of documents that have addressed all of those types of concerns. He would also be willing to sit down in person to show that these improvements have been addressed. R. Haak asked who is liable if someone gets hurt on the property. B. Gage stated that Dollar General who will lease the property will be liable. The development company owns the property and builds the building, but Dollar General is responsible for the site through the lease. L. Willoughby asked about re-purposing the building if Dollar General were to leave. B. Gage stated that Dollar General is not going anywhere, they are one of the strongest retailers in the United States. J. Sparling asked if Dollar General and Dollar Tree were part of the same company. B. Gage stated that they are separate companies, and they are not related. Dollar General's biggest competitor is the Family Dollar. Dollar General sells items similar to what you would find in Walmart. B. Gage wishes that they could change their name to "The General Store" because it would help differentiate them from the rest of the "Dollar" type stores. Dollar General is not, however, planning to change their name. CEO A. Backus stated that when the Zoning for the Mixed-Use Hamlet was written, it was directed towards businesses such as an Agway or 7-11 type convenience stores, which would make sense to have a 4000 Sq. Ft. limit. This is the last parcel to the south, located in the Mixed-Use Hamlet district. This proposal is unique as it is on a 3.9-acre corner lot with nothing around it, and should not have any adverse effects on neighbors. Those factors seem to lessen the impact of the proposed variance, but from a percentage standpoint, it would be a significant Variance request, so the applicant is open to offering improvements which might enhance the community. B. Gage stated that they are very willing to work with the Town, and be as flexible as possible. They typically develop a much

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smaller parcel, such as 1-1/2 – 1-3/4 acres. They would be willing to give the Town the rest of the land that was not used for their development. CEO A. Backus stated that he wasn't sure if the Town would be interested in a piece of land that they would have to maintain, and that having a bigger parcel does help off-set the significant Variance. J. Brown felt that if a variance and site plan were to be approved, the unique nature of this parcel should be made clear, and in no way set a precedence. CEO A. Backus stated that the record will reflect the unique situation that was discussed and reminded those in attendance that these are case by case, and site-specific applications. Chair R. Bennett agreed that this is a unique situation and there are benefits to allowing this proposal. It will be a nice size, add employment and tax base, and it doesn't interfere with anything that is in the hamlet. J. Sparling asked if there were any water issues on that corner. CEO A. Backus stated that there is plenty of room to manage it. B. Gage stated that there is a 6" water main across Route 15A, and sewer is 500' away. B. Gage stated as incentive for this request, maybe they could bring sewer up to the parcel. CEO A. Backus stated that would be a common incentive where it would benefit the public; but to be clear, at this point, Incentive Zoning, which involves Town Board approval has not been suggested. The Town recently added, or is adding sidewalks throughout much of the Hamlet of Hemlock. Possibly additional sidewalks could be provided by Dollar General to allow access to the site. Zoning Assistant, Julie Holtje asked since this store will be a new, bigger, better store, how will that effect the other nearby existing Dollar General stores. B. Gage stated that they take all of those factors into consideration and determine that the new store will not have a negative impact on the other nearby stores. CEO A. Backus stated that the feedback he has received has indicated that a Dollar General in Hemlock would be welcomed and something that would be a benefit to that community.

Chair R. Bennett stated that when the 4000 Sq. Ft. building size was discussed, what was the typical lot size. CEO A. Backus stated that we would need to figure out what the new development lot size were, and usually that is left up to the Planning Board to decide. Chair R. Bennett stated that if you have a quarter acre lot in the village, and you build a 4000 Sq. Ft. building, that would be suitable for a village parcel. Since this lot is much bigger, it should off-set the increased size of the proposed building. B. Gages stated that he will wait to receive comments back from the Planning Board, and then they will prepare to proceed to the Zoning Board to request the Variance for the building Square footage.

The Board had a brief discussion regarding TML Woodworks, located at 28 Commercial Street, (old Commercial Automotive Building). They have placed a storage container which is located on the south east corner of the property. This area is a particular concern for clear vision at the intersection. Several Board members had noticed the storage and were not pleased about its location or the appearance. The Planning Board discussed the proposed storage building/modification to the existing site plan and is willing to refer you to the ZBA for a setback variance, for a proposed Shed with the following comments:

1. Traffic safety is the highest priority, and as is typical for planning board review, they will be looking for plans and procedures to be established (proposed by the applicant), which promote clear vision at the intersection. This would include employee and customer parking, as well as tow-behind trailer parking.

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2. With almost 4,000 vehicles driving by the property on a daily basis, the storage buildings appearance (and property as a whole) is an important consideration.
3. There was a question about whether they have considered, or have the ability to implement some additional overhead storage inside the building (unrelated to the outdoor storage building).

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

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Respectfully Submitted,  
Alison Houk, Recording Secretary