

LIVONIA JOINT PLANNING BOARD

July 22, 2019

Present: Chair Bennett, D. Andersen, J. Brown, R. Haak, J. Palmer, J. Sparling, L. Willoughby,
& Secretary, A. Houk.

Excused: CEO A. Backus, Attorney J. Campbell.

Agenda:

- 1) Approve the meeting minutes. –May 13th, 2019**
- 2) John Williams – 6478 Cleary Road, Livonia, NY
Subdivision.**
- 3) Bruce Beardsley – Price Road, Livonia, NY
Subdivision.**
- 4) Gott Holdings – 32 Commercial Street, Livonia, NY
Site Plan & Conditional Use Permit.**
- 5) John Haak – Gateway Park, Livonia, NY
Site Plan Concept.**
- 6) Old Stump Blower – 5901 Big Tree Road, Livonia, NY
Site Plan Modification.**

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

The Board welcomed Larry Willoughby.

1) Approve Meeting Minutes for May 13th, 2019. Chair R. Bennett asked for a motion to approve. M/2/C (R. Haak/J. Palmer) approved as submitted. Carried 7-0

2) John Williams – 6478 Cleary Road, Livonia, NY

Chair R. Bennett asked John Williams to come forward to explain the proposed Subdivision at 6478 Cleary Road. J. Williams stated that he is proposing to Subdivide into two lots. Parcel “A” will be 5.2 acres, and Parcel “B” will be 29.2 acres, which has an existing dwelling. He plans to construct a single-family dwelling for himself on parcel “A”. The property is located on the south side of Cleary Road, approximately 488’ from Rte. 15, and is in the Agricultural Conservation District 3 (ARC-3). It will be serviced by public water and private septic.

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

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

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

3) Bruce Beardsley – Price Road, Livonia, NY

Chair R. Bennett asked Land Surveyor, Barry Carestio to come forward to explain the proposed Subdivision at Price Road. B. Carestio stated that B. Beardsley is proposing to Subdivide a 6-acre lot off from the 65+ acres. The property is located on the south side of Price Road and is approximately 1590' west of Pennemite Road, and is in the Agricultural Conservation District 3 (ARC-3). It will be serviced by a private well and septic. Chair R. Bennett asked if they will retain the easement? B. Carestio stated that they will retain the easement for the balance of the land. L. Willoughby asked if they will share the driveway access? B. Carestio stated they will share the driveway for access for the existing barn on the property.

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

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

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

4) Gott Holdings – 32 Commercial Street, Livonia, NY

PLEASE TAKE NOTICE that the LIVONIA JOINT PLANNING BOARD will hold a public hearing on Monday July 22, 2019 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Gott Holdings, LLC for Site Plan approval, and for a Conditional Use Permit per Section 155-12 of the Code of the Village of Livonia. The proposal is for a 60 X 80 Automotive Repair Shop, which requires a Conditional Use Permit per Section 155-33D (8). The proposed repair shop is located at 32 Commercial Street, Livonia, New York. The property is zoned Core Commercial District (CC). 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.

Chair R. Bennett asked Eric & Julie Gott to come forward for Site Plan and approval of the Conditional Use Permit for the proposed 60' X 80' Automotive Repair Shop. Proposing to build a 60' X 80' structure and move their current Automotive Repair Shop to 32 Commercial Street. They have outgrown their current location and are in need of a larger location to accommodate the increased business. The property was historically a Car Dealership with auto repair and feel

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it would be a great use of the property. They will use the existing curb cuts and the existing utilities. The Site Plan was prepared by Clark Patterson & Lee, which includes the drainage. Chair R. Bennett reviewed the general consideration criteria for preliminary Site Plan review. Adequacy and arrangement of vehicular traffic access, that references distances for driveways to an off-street parking area shall be no closer than 50' from an intersection of any two streets, within 20' of any side lot line. E. Gott stated that there are no issues with those measurements. They are existing curb cuts that are historic, and were re-set by the New York State D.O.T. when they reconfigured the Village. Chair R. Bennett asked about the adequacy for pedestrian access. J. Gott stated that people generally drop off their cars, so they don't have many walk-ins. E. Gott stated that if the Board was referring to adding lines on the black top, and if that was something that was important to the Board, they would add lines on the black top. Chair R. Bennett stated that it would refer back to how many cars they intended to have on the property at one time. E. Gott stated that they service 40 cars a day at their current location, and turn work away. It might be 50 one day, and 10-15 cars another day. J. Brown asked if there were currently sidewalks at the new location. J. Gott confirmed that there currently are, and they will have sidewalks. Chair R. Bennett stated that possibly the new site doesn't accommodate very many vehicles. E. Gott stated that there is room for 100 vehicles. J. Sparling stated that during the Livingston County Planning Board review, they were trying to anticipate the amount of inside work bays verses the amount of outside parking available. E. Gott stated that they will have 6 vehicle lifts inside the building. E. Gott stated that they also did a Lot Line adjustment to make the lot conforming. E. Gott approached the Board to explain show the Lot Line adjustment. The lot is about 1.3 acres, and they will have plenty of room for overflow parking along the back section near the car wash. As per their Site Plan, they have proposed to increase the size of the drainage pipe. Chair R. Bennett stated that their building proposal is compatible with the general architectural of the Core Commercial District. The Site Plan has addressed adequacy of stormwater, water supply and disposal facilities. Size, location and arrangement, and the use required for open space. Chair R. Bennett stated that they have curb cut and planters up front. Chair R. Bennett asked if they had any plans for further planting on the property. E. Gott stated that they plan to keep the plantings as they currently are out in front. New York state implemented Evergreen plantings in the front, which they plan to remove and put in fresh flowering plants. Chair R. Bennett asked what the hours of operation would be? E. Gott stated that they will be there 12 hours a day. They will be open for business from 8am to 5pm, Monday through Friday. They will be open on Saturdays from 8am to 1pm. J. Palmer stated the Livingston County Planning Board was concerned about the business being open late and building Race Cars in the Automotive shop. E. Gott stated that they will be leaving by 6pm every night. There are no plans to be building Race Cars. J. Sparling asked if they will be servicing large diesel trucks. E. Gott stated they would not. Chair R. Bennett asked about protection of adjacent or neighboring properties against noise or glare. He stated that by the applicant moving their current business to this location, should improve the current situation. Traffic on the corner, and a nicer building will be an improvement. Adequacy of community services including fire, ambulance and police protection are not an issue. Unobtrusiveness of public utility distribution including gas and electricity. E. Gott stated that all utilities will be located underground. J. Brown asked if any new build around here is required to have all that underground? E. Gott stated that the site is most likely serviced by an above ground line, which will be taken out. Chair R. Bennett asked if they will be making any provisions for accommodating solar energy? E. Gott stated that they have no intentions of implement solar, as they don't have a south facing roof. Chair R. Bennett stated that the other

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issues would be dark sky compliant lighting. He noticed in the elevations that they haven't referenced parking lot lighting. E. Gott stated that all of the lighting will be on the building, and the fixtures will be LED, down facing, dark sky compliant. They will be on timers so they will not shine all night.

Chair R. Bennett stated with no one present to speak on the application, the Public Hearing was closed.

Chair R. Bennett asked the Board to go through the Conditional Use Permit criteria.

1. Will the establishment, maintenance or operation of the conditional use be detrimental to or endanger the public health, safety, comfort, morals or general welfare?

No, it will mitigate traffic issues at existing facility.

2. Will the conditional use be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the zoning district of concern? Will the conditional use diminish or impair property values in the immediate vicinity?

No, this development is consistent with existing facilities, such as Town/Village barns.

3. Will the establishment of the conditional use impede normal and orderly development and improvement of other property in the immediate vicinity for uses permitted by right in the district of concern?

No, this will complete development of this area.

4. Will adequate measures be taken to provide ingress and egress in manner which minimizes pedestrian and vehicular traffic congestion in the public ways?

Yes, the relocation of this facility will mitigate existing traffic issues associated at existing location.

5. Do adequate utilities, access roads, drainage and other facilities necessary to the operation of the conditional use exist, or are they to be provided? Yes

6. Does the conditional use permit in all other respects conform to the applicable regulations of this chapter and other town/village laws, ordinances and regulations? Yes

*Comments: Lighting will be dark sky compliant. Parking to adhere to the Town of Livonia standards. Over flow parking will be gravel, and will be located in the back of the lot. Hours of operation will be 8am to 5pm, Monday through Friday. Saturday hours will be 8am to 1pm. CEO A. Backus to review drawings and determine adequacy for compliance.

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Chair R. Bennett asked for a motion to approve the Conditional Use Permit for the use of the Automotive Repair Shop, (*Per the above noted comments.) Motion to approve: M/2/C (J. Sparling/D. Andersen) Carried 7-0

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

Chair R. Bennett asked for a motion to approve the Site Plan Application per the comments noted in the Conditional Use Permit as presented. Motion to approve: M/2/C (J. Sparling/L. Willoughby) Carried 7-0

5) John Haak – Gateway Park, Livonia, NY

Chair R. Bennett asked John Haak to come forward for Site Plan concept of Gateway Park. R. Haak stated that she would be recusing herself from this application as John is her husband. J. Haak stated that that parcel at Gateway park, on the corner of Rt. 15 and South Lima Road, and is 3.9-acre parcel. He is proposing development of Boat, RV and eight Mini Storage buildings. J. Sparling asked if the site has any drainage issues. J. Haak that they haven't done any engineering yet, but there is plenty of green space. The water comes down South Lima Road and runs down across this parcel, into a sluice pipe that runs under the road into the creek. J. Brown asked how long J. Haak has owned the property. J. Haak stated that he has not purchased the land yet. J. Sparling asked if there is a need more storage in the area. J. Haak stated that other storage facilities in the area are full. It may seem like there are a lot of storage units around, but the amount of people in need of storage exceeds the availability. J. Haak stated that their current storage unit is full, and they have to turn people away. J. Sparling asked if there will be any outside storage? J. Haak stated that will be determined whether he has room for it. J. Sparling stated that reviewing the Site Plan, there doesn't appear to be any room for outside storage. J. Haak stated that would be determined after the topographical was done. Chair R. Bennett noted that he has never been aware of any drainage issues in this area, even during heavy rains. J. Haak stated that there are no drainage issues currently on the property. He will have a dry pond and swales on both side of the property. Water will run to the ditches on Rt. 15 and South Lima Road. J. Sparling asked if the drainage pipe to the creek was cleared out. J. Haak stated that he has checked the pipe and everything looks good. Livingston County D.O.T did a site visit and there are no issues. They will grant him the curb cut on South Lima Road. D. Anderson asked for clarification for the driveway. J. Haak stated it will be on South Lima Road, East of the intersection of Rt. 15. D. Anderson stated that she is aware of issues with getting in and out of Fratelli's parking lot. It can difficult to get out onto to Rt. 15 from their parking lot. J. Haak stated that the curb cut will be on the east end of his parcel. Chair R. Bennett stated that the proposal is consistent with the area. The buildings will fit in well, and there are no traffic concerns due to the driveway on South Lima. J. Haak stated that the drainage is already there and he will be proceeding with the Engineering plans. He stated that the size and direction of the buildings could change depending on how the plans proceed. They are allowed 56,000. Sq. Ft. of lot coverage, they are at 33,600 Sq. Ft. of lot coverage with the current proposed buildings.

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(56,000. Sq. Ft is allowable lot coverage. Building Maximum footage is 40,000. Sq. Ft.). Land Surveyor, Barry Carestio will be doing the Site Plan, and once that has been done, he will have a better idea of the sizes and locations. L. Willoughby asked for clarification of the 60' setback from Rt. 15. J. Haak explained that the 60' Setback is from the building to the road, not the parking lot. The right of way from Rt. 15 is bigger because the road used to go there. He will meet the Setbacks requirements. J. Brown asked if there would requirements regarding outside storage. Chair R. Bennett asked the Board if anyone was in favor of outside storage? The Board all agreed they were not in favor of any outside storage. It would require Planning Board review and approval in the future if outside storage was to be requested.

Chair R. Bennett stated that the Board looks favorably on the concept and encourages J. Haak to submit a preliminary Site Plan pertaining to the development, lighting and drainage. Once that has been obtained and reviewed, we can schedule him on an upcoming Planning Board Agenda for approval of Preliminary Site Plan.

6) Old Stump Blower – 5901 Big Tree Road, Livonia, NY

Chair R. Bennett asked Elise Barnard and Eric Smith to come forward for Modification to Site Plan and approval. Old Stump Blower was before the Planning Board on April 22, 2019 to discuss their plans for Site Plan Modification. They are proposing a 2200 Sq. Ft. addition to the existing building that would be used for their production area, a new chiller and an office space. The existing building would be used for a larger tasting area to better accommodate their customers and expand their retail area. They are also proposing an 8500 Sq. Ft. graveled parking area to help with the current limited parking. They have been working with Sara Gilbert of Pinewood Engineers to develop their drainage plan.

Chair R. Bennett noted that Liquor Store owner, Robin Price was present and wished to make a comment. R. Price stated that anything that is done east of their property, effects there building 100%. Her resources are not there, and she is unable to take care of the water situation that has been pushed on them. Chair R. Bennett stated that some of Robin's concerns were when Seth Phillips developed his property. R. Price stated that S. Phillips cut a drainage pipe and raised the height of his driveway, which pushes more water towards them and created more issues for them. Chair R Bennett stated that when OSB proposed development, they were made aware that they would not be allowed to drain anymore water in her direction. R. Price stated that the problem started when the property was a gift business prior to Old Stump Blower. All the trees were removed, and it was used for Boat storage which opened the property up more. Now there is hardly any trees located on the east side of the property. Since the trees have been removed, the drainage has gotten worse. Chair R. Bennett stated that OSB's Engineer has created a drainage pattern that takes the water to the road. R. Price stated that she thought that was done at Vincenzo's Pizza. Vincenzo had an Engineer come in, put in a swale which didn't work as his driveway was washed out by all the water. Chair R. Bennett stated that was due to events from the back of his property. R. Price stated that wash out is not happening to her parking lot, it is happening to her building. J. Brown stated that when she was driving through Lakeville in the pouring rain, there were puddles of water the entire way. Her question was, at what point can they stick the responsibility on the people who are responsible for it, which is New York State.

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Who do we have to contact about this, would it be our local representative? Why is it up to the property owners to fix the situation when it isn't just one particular property. Everyone has water problems in this area. Chair R. Bennett stated that as a Board, they have no jurisdiction or power over the situation. R. Price stated that when they purchased the property near the Liquor Store, they learned that a 25' section of drainage pipe was blocked from the road going towards the Lake. They couldn't proceed with their plans to build because the property was being flooded out. The State would not clean out the 25' of plugged pipe. From the bridge at the Bait Shop, going up to the Church on both sides of the road, there are DI's that tie in together and come down to the bridge and dump into the Lake. From the Bridge going towards Vincenzo's there are several DI's. R. Price has gone out during storm events to clear out the DI's. This is why the water comes across the road, the DI's get plugged. She is the only business owner that goes out during the rain event and does this so it can start draining. J. Brown asked if NYS will fine people if they hook into their storm drains? Chair R. Bennett stated that they would be fined and NYS would remove them and back charge them to have them removed. R. Price stated that with all this flooding and water, her sewer line has been damaged. It opened up on the bottom of the line and pushed stone under her building, and pushed stone into the sewer line going out to the road. What used to be a nice blacktop parking area, is now ruined by the amount of water and flooding. J. Sparling asked where the stone was coming from? R. Price stated from under her building. When they added onto the existing building, they added stone filler in there for the water. There was a line that came from a DI on the property between S. Phillips and hers that is owned by Bestco's. There were three DI's there that came off from the hill, that were filled in with dirt. Those three lines coming down connected into that DI. It crossed under their parking lot and went out to the DI in front of Liberty. When they raised the driveway and parking lot, they cut it off, now the water runs onto her property.

Chair R. Bennett stated that OSB was here before regarding the expansion of their building. The Board looked favorably on their concept. Storm water assessment needed to be done to show no additional displacement of water from their property, except out to the road. CEO A. Backus has reviewed their plans and looks favorably on it. He has sent their proposal to the Town Engineer, but has not received a response back from them as of tonight. Until CEO A. Backus signs off on the Town Engineers report, the Planning Board cannot grant approval. Approval could be made pending final comments from the Town Engineer. R. Haak stated that she would like to see the drainage work done prior to adding the addition to the building. E. Barnard stated that their intentions are to complete the parking lot work first before expanding the building. They hope to have the parking lot area done by the end of this year. She also stated that they have videos of the water going completely out to the road, and down towards McDonalds. R. Price stated that the water will not run that way. E. Smith stated that it does run that way, they have video's showing it does. E. Barnard stated that they had a Public Hearing on this subject back in April of 2019, why didn't R. Price attend that meeting with her concerns. Chair R. Bennett stated that OSB has done everything the Board requested. The Board just needs confirmation for our Town Engineer.

Chair R. Bennett asked for a motion to approve the modification to Site Plan for the Building Addition and Parking lot as presented, after final comments and confirmation from the Town Engineer & CEO A. Backus. Parking lot work and drainage will be done prior to the building expansion. Motion to approve: M/2/C (/J. Palmer/R. Haak) Carried 7-0o

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With no further questions, Chair R. Bennett asked for Motion to adjourn the meeting at 8:41p.m... Motion to adjourn: M/2/C (R. Haak/J. Sparling) Carried 7-0

Respectfully Submitted,
Alison Houk, Recording Secretary