

**LIVONIA JOINT PLANNING BOARD**  
**DECEMBER 14<sup>TH</sup>, 2020**

Present: Chair R. Bennett, D. Andersen, J. Brown, R. Haak, J. Palmer, J. Sparling, CEO A. Backus, Zoning Assistant Julie Holtje, Attorney J. Campbell,

Excused: Secretary A. Houk, L. Willoughby

CEO Adam Backus requested a moment of silence in observance of the passing of Chairman Rick Bennett brother, Rodrick J. Bennett.

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.
- In addition to attending personally, the Public Hearing was also held using the remote meeting platform Go to Meeting, so that the public could participate via telephone or video conferencing. Information and possible updates could be found on the Community Website <https://www.livonianyny.org/>. Livonia Joint Planning Board.

Agenda:

- 1) *Approve the meeting minutes. – November 23, 2020***
- 2) *GBT Realty Corp. For Dollar General – 4797 Main Street, Hemlock, NY*  
*Site Plan review.***
- 3) *EV Energy/James Marshall – Rochester Road, Lakeville, NY*  
*Concept.***

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

**1) Approve Meeting Minutes for November 23, 2020.** Chairman Rick Bennett asked for a motion to approve. M/2/C (J. Palmer/J. Sparling) approved as submitted. Carried 6-0.

**2) *GBT Realty, for Dollar General – 4797 Main Street, Hemlock, NY***

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PLEASE TAKE NOTICE that the LIVONIA JOINT PLANNING BOARD will hold a public hearing on Monday December 14, 2020 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Franklin Land Associates, LLC (Dollar General) for Preliminary Site Plan according to Section 150-116 (E) of the Zoning Code of Livonia. The proposal is for a 9100 Sq. Ft. Retail building known as Dollar General. The property is located at 4797 Main Street, (Hamlet of Hemlock) Town of Livonia, New York, Tax Parcel #: 85.-1-67.1 and is zoned Mixed Use Hamlet District (MUHD). 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 may participate via telephone or video conferencing.

Chair Rick. Bennett asked Steve Vukas of Bohler Engineering for the Dollar General application to come forward for the proposed Site Plan review for the Retail building located on 4797 Main Street, Hemlock. Chair Rick. Bennett asked Zoning Compliance Assistant Julie Holtje to read the Zoning Board meeting decision letter from October 19, 2020. The memo summarized that the Zoning Board of Appeals determined that the Short Environmental Assessment Form (SEQR Part II) to be determined as no significant impacts. The Zoning Board also determined that Part III of the environmental assessment identified any impacts determined not to be significant, based on the 4000 Sq. Ft. to 9100 Sq. Ft., and was declared a negative declaration. The Zoning Board granted the area Variance with the following conditions: Deed restriction in favor of the Town, Property is not to be subdivided, or any future construction of buildings. Applicant to provide the SHIPO study that will be reviewed and approved by the Building & Zoning Department.

Steve Vukas of Bohler Engineering, representing Franklin Land Associates, LLC stated that the Dollar General is not considered to be a high impact use. They will start off with about ten employee's and may increase to a total of fifteen employees. They have prepared a response to Clark Patterson Lee's letter which addresses the possible wetland in the north west corner of the site, and the traffic impact. They have obtained the services of CPS Consulting, an ecological Biologist that has submitted a letter stating that the site is not a registered wetland. The application is not subject to Army Corps of Engineers review and has minimal impact. The site distance and stop distance is good and concluded not be a significant traffic producer. A letter from the Livingston County Planning Board recommend approval with comments. CEO Adam Backus clarified that the application was recommend for approval with the Livonia Joint Planning Board addressing the eight comments that were associated with their recommendation.

Attorney James Campbell read the Zoning Referral #2020-099 for Livingston County Planning Board.

The Livingston County Planning Board, at its regular meeting on December 10, 2020, reviewed the zoning referral from the Town of Livonia of the above mentioned pursuant to Sections 239-1 and m of the General Municipal Law of the State of New York.

The County Planning Board made a motion to recommend "Approval" of the proposed action with the following advisory comments:

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1. To improve the walkability and pedestrian safety in the Hemlock Hamlet and along St Rt 15A, during Site Plan Review, and if not done already, the Applicant should work with the Town to address pedestrian safety measures such as sidewalks, crosswalks and paths for pedestrians to access the site from off-site.
2. Any development on this parcel should take the Hemlock-Canadice State Forest into consideration.
3. As the proposal disturbs more than one acre of soil, it is subject to the NYS Department of Environmental Conservation (DEC) Phase II Stormwater Regulations and a Notice of Intent will need to be filed by the Applicant and submitted to the NYSDEC for review.

The Applicant should ensure that the SWPPP and NOI are submitted to the Town for concurrent review and meets the satisfaction of the Town and Town Engineer.

4. All requirements as detailed in the CPL Town Engineer Report, dated December 1, 2020, and the NYSDOT Review, dated October 9, 2020, should be met to the satisfaction of the Town and Town Engineer.

5. If not done already, the Applicant should ensure lighting will be dark sky compliant, and properly shielded to prevent light trespass onto Main Street or adjacent properties. The Applicant should ensure that lighting and signage complies with the Town Zoning.

6. If not done already, the Applicant should ensure that the proposed parking lot landscaping, tree removal/preservation and fencing meets the Town of Livonia Landscaping, Screening and Buffer Regulations.

7. If not done already, the Applicant should ensure that the proposed Site Plan and driveway design is designed to the satisfaction of the Fire Marshall including conformance with Fire Codes/fire protection water supply/fire apparatus access requirements.

8. The County Planning Board recognized the benefit of the extended detention shallow wetlands, and their associated plantings and maintenance, given the potential visual impact to adjacent roads.

Chairman Rick Bennett open the Public Hearing portion of the meeting. He asked that anyone who wanted to speak regarding this application to state their name and address for the record.

Will Ouweleen of O-neh-da Vineyard who lives in Conesus commented that his concern is for the sensitivity to the Hamlet of Hemlock. He is opposed to the Dollar General development and feels that the vision for Hemlock is not represented by the Town of Livonia. The Dollar General does not fit across from the State forest and near the signature Hemlock Lake. He believes Hemlock should be developed to capture the “old town” feeling. There are several other Dollar General stores within a ten-minute radius of the proposed site and feels the vision for Hemlock should be greater than a Dollar General.

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Robert Nilsson a resident of Hemlock stated that he felt the traffic study is inadequate. Cars rarely stop at the stop sign and the average speed in that area is a lot higher than the speed limit. There was a tractor trailer that lost its brakes a few years ago. He feels that the designated delivery area for the Dollar General deliveries is very tight and doesn't think it is a good solution for their deliveries. He is a certified Tractor Trailer driver and stated that it will be nearly impossible to maneuver the way they have proposed for the truck deliveries. He suggested since they will have a four-acre parcel to create a loop going around the store, so the trucks won't have to back in and out of the delivery area. Steven Vukas stated that there will be only one delivery truck per week. There is a 30' wide drive isle and the truck turn simulation was conservative and shows that the trucks safely arrive in the delivery area. Creating a loop would create additional environmental concerns. Mr. Nilsson feels that the applicant should petition the D.O.T to extend the lower speed limit to encompass that area. He questions why they need so many stores in such close proximity and fears this will put Shur Fine out of business. Much of the merchandise is cheap, has harmful chemicals and is made in China. He questions why they need a 9100 Sq. Ft. building when a 6000 Sq. Ft. building has served the town of Livonia for many years. Sidewalks should be a requirement of the application. He feels that this will change the character of the Hamlet of Hemlock. Mr. Nilsson also wanted to make sure Robert Scott's letter to the Zoning Board of Appeals was made part of the record. Zoning Compliance Assistant Julie Holtje stated that Mr. Scott's letter was made part of the record.

Tom & Pat Pawlacyzk of 4988 Canadice Lake Road called in for comment. They asked for clarification where the ingress & egress for the site was located. They felt that there are already too many Dollar Generals in close proximity and adding another one would ruin the look of the Hamlet. They are opposed to the Dollar General proposal.

Kathleen Carr of 34 Lake Road in Avon called in and stated she felt that having the Dollar General in Hemlock would be helpful for the older people of Hemlock and those that don't have transportation.

Robert Nilsson of Hemlock commented that he was also concerned about litter from the Dollar General's site ending up in the Canadice State Forest. He noted that litter seems to be a problem at many of the Dollar General locations. He requested that if the application is approved, that they keep the litter contained to their site and not in the forest.

Dawn Woodburn of Coy Road Livonia stated that Mr. Vukas stated that there would only be one delivery truck a week. With a 9100 Sq. Ft. building, that will be impossible to keep the store stocked.

Robbyn Haak asked if a tractor trailer is trying to back into the delivery location and cars are trying to enter the site, who has to wait? Steve Vukas stated that it is their intent to have the delivery trucks during off hours when the store is closed.

Chairman Rick Bennett closed the verbal part of the Public Hearing. The Public Hearing for written comments will be held open for 2 weeks to allow for further written comments from the public. Motion to close verbal Public Hearing at 7:39pm.: M/2/C (R. Haak/J. Palmer) Carried 6-0.

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Chairman Rick Bennett stated that we are still waiting on comments from Clark Patterson & Lee and the D.O.T. The traffic study will need to be reviewed by the Building & Zoning office and analyzed by Clark Patterson & Lee. Sidewalks and crosswalks need to be coordinated with the D.O.T. Steve Vukas stated that they are still reviewing the sidewalks/crosswalks internally and that has not been determined. CEO Adam Backus stated that early on when Dollar General came for preliminary Site Plan, they stated they were asking a big ask and were willing to provide the improvements to the community. Sidewalks are apart of our Code and provisions. They are not an ask or extra. The Site Plan is considered incomplete without sidewalks.

Chairman Rick Bennett asked for a motion to put the application on hold until they receive a completed Site Plan showing sidewalk. Motion to place application on hold: M/2/C (J. Brown/J. Sparling) Carried 6-0.

Robbyn Haak stated that the yellow and black “Dollar General” sign needs to be tamed down. Steve Vukas stated that the signage is usually done by the owner. Robbyn Haak stated that would be something they should submit prior to approving the Site Plan.

CEO Adam Backus stated that the applicant needs to provide the traffic study for review, and petition the D.O.T to lower the speed limit in that area, along with requesting sidewalks and crosswalks. Attorney James Campbell stated that the Town Board needs to be asked to make an inquiry to the D.O.T.

Zoning Compliance Assistant stated to the Board that they should also discuss the facade options. They have a choice on the appearance of the building. They have the choice to choose the materials and have it fit in with the state forest area. Robbyn Haak requested that the Board be given additional time to consider those choices.

CEO Adam Backus stated regarding any issue with the site such as litter, environmental, fire safety or property maintenance, he would like the contact information of an actual person to contact for problems that may arise. In the past, trying to contact someone to address these issues has proven to be very difficult. Steve Vukas stated that the lease of the building would be responsible for these issues. Zoning Compliance Assistant Julie Holtje stated that the Building & Zoning office requests a copy of that lease.

Jack Sparling asked if the interior layout was part of the Site Plan. CEO Adam Backus stated that it was not, it would be during the Building Permit / Fire Code process to insure a Code compliant path forward.

Zoning Compliance Assistant Julie Holtje asked if the applicant is planning on outdoor storage for seasonal items and displays. Steve Vukas stated that he would check with Dollar General to see what they would be proposing.

Chairman Rick Bennett stated that the Public Hearing for written comments will remain open for 2 weeks. CEO Adam Backus stated that Building & Zoning will provide the Planning Board with a summery of the meeting and prepare for the follow up meeting. The Board members can

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respond with any additional comments regarding the application. Building façade choices should also be noted. The applicant should provide an updated Site Plan showing sidewalks and crosswalks. Also provide the traffic study for review.

***3) EV Energy/James Marshall – Rochester Road, Lakeville, NY***

Chairman Rick Bennett asked James Marshall to come forward for the discussion on EV Fuel. James Marshall stated that he has a contingent purchase offer on the investment building on Rochester Road just before South Lima Road. This is a 3.6-acre lot that is 500' deep. They would like to have a fuel business as this location. They would offer propane and fuel oil and heating and air condition services. The existing building would be staying and serve as their office. They would be implementing 30,000-gallon propane storage tanks and fuel oil storage tanks located in the back of the property. The tanks would be above ground. They are double wall, OP tanks for extra protection. The trucks are loaded from the bottom of the tanks and there are no fumes with many safety measures built in. In the middle of the property they would have diesel tanks. This is a family owned business since 1913. Their main service is local delivery of fuel within 30 minutes from their location. Their technicians and drivers are on call 24 hours a day. They do not sell to suppliers or wholesalers. The only trucks coming onto their sites are their own. They would like to be able to offer propane tank refill for customer's barbeque grills. They currently service central New York, such as Geneva and Syracuse. They would like to offer their services to western New York.

Mr. Marshall was informed that the next step in the process would be to prepare and submit a site plan for his proposal.

With no further questions, Chairman Rick. Bennett asked for Motion to adjourn the meeting at 8:31 p.m... Motion to adjourn: M/2/C (R. Haak/J. Sparling) Carried 6-0

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Respectfully Submitted,  
Alison Houk, Recording Secretary