

LIVONIA JOINT PLANNING BOARD

June 12th, 2023

Present: Chairman R. Bennett, A. Baranes, J. Brown, R. Haak, K. Strauss, Zoning Compliance Assistant J. Holtje, Secretary A. Houk

Excused: CEO Adam Backus, D. Andersen, J. Palmer, Attorney J. Campbell

Agenda:

- 1) *Accept and approve the meeting minutes of May 8, 2023*
- 2) *Minnehan's/Keystone Novelties – 5614 Big Tree Road, Livonia, New York – Tax # 65.61-1-2 Subdivision*

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

1) Approve Meeting Minutes for May 8th, 2023. Chairman Rick Bennett asked for a motion to approve. M/2/C (R. Haak/K. Strauss) approved as submitted. Carried 5-0.

2) ***Minnehans/Keystone Novelties – 5614 Big Tree Road, Livonia, New York***

Chairman Rick Bennett asked Chris Englert, Regional Director of Keystone Novelties out of Perry, New York, to come forward to discuss the proposed Fireworks sales tent. Chris stated that Keystone has been in this business for just under thirty years, and they do approximately 160 locations in New York with parking lot sales selling sparklers. Company-wide, they are located in ten eastern states. They do 430 locations for a ten-day sale around the fourth of July. The State of New York determines how long they can be open, and out of a tent, you can sell sparklers from June 23 to July 5. The tent would be closed at the end of the day on July 5th and all sales would stop at that time. They would like to put up a tent for the sale of fireworks and sparklers. A 20' X 40' tent would be set up a few days prior to the sales dates of 6/23/23 – 7/5/23. The hours of operation would be 9 am to 9 pm daily and 9 am to 10:30 pm on July 3rd & 4th. They would also like to put up a temporary sign to advertise the fireworks sale.

Robbyn Haak asked if they were selling anything other than sparklers. Chris stated that they would only be selling ground-effect sparklers. It is any firework that is set on the ground and is a waterfall type of effect. They are not hand-held sparklers. Chris noted that there are several varieties; they are similar to road flares with different compounds with different colors and shapes that come off from them. Anytime you see rockets or mortars, they would have to be purchased from the State of Pennsylvania or an Indian Reservation.

Chairman Rick Bennett asked what Codes apply to this application. ZCA Julie Holtje stated that CEO Adam Backus has reviewed the application, and it appears he has the necessary requirements. Chris noted that they are State Marshall inspected. They will have entrance & exit signs, two different levels of fire extinguishers, a 24/7 clerk for security, and no smoking signs. They will meet every Code of the State of New York to hold the event. Chairman Rick Bennett

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referred to the tent layout and stated that nothing is labeled on the Site map and reviewed the locations for the items required. Chairman Rick Bennett stated that the map indicates water and asked for clarification. Chris stated that it is a different level of a fire extinguisher, which is a water-filled tank. They have run into instances where the Fire Chief requests a third extinguisher, which is no problem to accommodate. Kelly asked what happens to the merchandise when they are closed for the day. Chris stated that they will have a security clerk on duty 24/7. If for some reason they must leave the site, the merchandise is locked up inside a container. At the end of the show, all merchandise is transported back to a central location in Pennsylvania. Chairman Rick Bennett asked if Chris has ever done this locally. Chris stated that he has eight tents locally in his area. He noted that T N T has a local contract with Walmart and other retail stores. They have a tent in Mt. Morris, Perry, Batavia, and East Bloomfield. Robbyn Haak asked if they had put up a tent in Lakeville last year. Chris stated that they did not have a tent in Lakeville last year. Chairman Rick Bennett stated that in looking at the Site Plan layout, we would like to make sure that the entrance and exits are clearly labeled and where people are to park. Chris stated that they will make sure that the business that is west of the tent, the parking, and the entrance to their business will not be blocked at any time. If people are parking in the front or the back of the tent, it won't affect the Vape shop business as they are located all the way in the back. Chairman Rick Bennett asked how many people they anticipate. Chris stated that it will be a trickle of people until the last three days, when they usually do 80% of their business. If they have six cars at one time, it would be a lot. Chris noted that in the last two days, they will have two staff members on site. Chairman Rick Bennett asked ZCA Julie Holtje if she sees any issues with the application. Julie noted that CEO Adam Backus will be inspecting the site, and she wanted to check with him to see if there is parking in front of the tent. It appears that there is 40', which would be enough room to back out and turn without backing into the right of way. Chris asked when Adam would want to do the inspection. Julie stated that once the tent was up. Chairman Rick Bennett stated that regarding Zoning and permitting, how does this fall? Julie stated that it would be a Zoning permit. The applicant will be given a Permit place card to place on the tent once it is approved. Chairman Rick Bennett will sign the Site plan application, and that will become the Zoning permit. Chairman Rick Bennett noted that this is an application we have seen before, not necessarily in Livonia, but in adjacent municipalities such as Geneseo. He doesn't recall hearing of anyone having any problems, and this was done in Lakeville across from Genesee Lumber which has been happening for about five years. There have not been any problems with parking or traffic at that location.

Chairman Rick Bennett asked for a motion to approve the modification to the Site Plan application as submitted. Motion to approve: M/2/C (J. Brown/R. Haak) Carried 5-0

Pat Heffernan asked to speak and stated that she was here in the fall regarding why the Town doesn't have flags on the telephone poles in Lakeville when other communities do this for Memorial Day, July 3 & Labor Day. She would like our flags to be represented in the community of Lakeville. When she was before the Board before, she was told that we just put up the brackets to do the Hometown Heroes, which hasn't happened yet. She is here to find out more information about having flags in our community and what the obstacles are. Chairman Rick Bennett stated that he did not remember Pat coming before the Planning Board. He also noted that there are flags on the telephone poles in Lakeville. Julie noted that this discussion would be for the Town Board. Pat stated that she will attend the next Town Board meeting.

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The Board had a brief discussion regarding Rising Storm Brewing and the complaints regarding parking and safety concerns that have been received. They will be scheduled on an upcoming agenda for Site Plan review. There was also a discussion about traffic light timing near Minnehan's; Jeanne Brown felt that the timing has been changed. Chairman Rick Bennett asked about the status of the Cell Tower on Niver Road. Julie stated she has been trying to coordinate a meeting between the Cell Tower representative and their attorney. She hopes that they will be at the next meeting in July. Chairman Rick Bennett requested that the Site Plan information be sent to the Board members so they can do a site visit prior to the meeting. Julie noted that something to consider is that the leased area is small, and the height of the Tower is taller than the leased area. Robbyn noted that the fall zone will be out of the leased area. Chairman Rick Bennett stated that wasn't unusual with any of the Cell Towers if it is within the property owner's venue. Julie noted that we have a professional consultant for this application.

Julie noted that the Comprehensive Grant plan will be submitted in July. We can start thinking now about the changes we need to make. Chairman Rick Bennett noted that the Comprehensive Plan is back on the Website, which he is happy about. He would like to be able to download the complete Comprehensive Plan and the Building & Zoning Code. He asked if this is something that could be done at the Town Hall and put on a thumb drive for the Board Members. Julie noted that the Code book is online. Rick would prefer to have a thumb drive. Julie said she would investigate having that done. Robbyn asked if we had any new information regarding Quick Fill. Julie stated that we had not received any new information from them. Julie noted that the old milk plant in Lakeville is for sale, and we have had a few people call with questions and ideas about what they could do with it. Julie also advised the Board that she will be sending them information on the Lakeville Corridor plan.

With no further questions, Chairman Rick Bennett asked for a Motion to adjourn the meeting at 7:34 p.m... Motion to adjourn: M/2/C (R. Haak/A. Baranes) Carried 5-0

Respectfully Submitted,
Alison Houk, Recording Secretary