

# LIVONIA JOINT PLANNING BOARD

January 13, 2025

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

Excused: J. Palmer, Attorney J. Campbell

Agenda:

1. *Accept and approve the meeting minutes – November 25, 2024.*
2. *Pathstone/Creekside Clearing – 100-1400 Turtle Rock Road, Livonia, New York – Tax # 65.-1-79.32  
Site Plan Public Hearing for proposed 16 additional dwelling units.*
3. *Stone Creek Estates – West Avenue, Livonia NY, 2 lot subdivision*

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

1) Approve Meeting Minutes from November 25, 2024. Chairman Rick Bennett asked for a motion to approve. M/2/C (R. Haak/K. Strauss) Carried 6-0.

2) *Pathstone/Creekside Clearing – 100-1400 Turtle Rock Road, Livonia, New York*

Chairman Rick Bennett asked Adam Fishel of Marathon Engineers and Jason Sackett, President of Pathstone Development to come forward for the proposed 16 additional dwelling units and revised site plan.

ZCA J. Holtje read the public notice:

PLEASE TAKE NOTICE that the LIVONIA JOINT PLANNING BOARD will hold a public hearing on Monday, January 13, 2025, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of Pathstone LLC/Creekside Clearing for Site Plan review according to Section 150-12 of the Zoning Code of Livonia. The application is for an additional 16 dwelling units. The property is located at 100-1400 Turtle Rock Road, Lakeville, New York, Tax Parcel #: 65.-1-79.32, and is zoned Mixed Use District (MU). 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.

Chairman Rick Bennett opened the Public Hearing and stated: This application was submitted to the Livingston County Planning Board for their review. They determined that it has no significant Countywide or inter-municipal impact. Approval or disapproval of this application is a matter of local option.

The Board reviewed the Building & Zoning Memo dated January 13, 2025.

- The Board determined that the applicant meets the intent of Code Section 150-78 with square footage of interior landscaped islands. Discussion included perimeter landscaping vs interior landscaping for parking areas.

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- A. Fishel: A response has not been prepared for the January 2, 2025 CPL review letter. The comments seem to be minor and clerical clarification items.  
-The engineer recommended that the Board consider having the developer acquire additional property to allow the extension of Turtle Rock Road to alleviate the setback between accesses or consider locating the road internally. In response the applicant agreed to make it a condition of site plan approval that the access would be relocated in the future if/when Turtle Rock Road was extended. At this time Pathstone has no plans to acquire additional lands. Regarding relocation of the road internally, they explored this but it cannot be done without creating additional variances and there is no room between the existing buildings.
- Design Criteria in Section 4 - The Board decided that all extensions will be the responsibility of the future developer.
- The basketball area will be fenced on 3 of the 4 sides

With no further discussion from the Board, Chairman Rick Bennett asked for a motion to refer the applicant to the Zoning Board of Appeals for the requested Variances:

1. 150-35 I. (1) Multifamily Front Setback Minimum = 50', with 44.8' being proposed
2. 150-59 C. Parking areas may be located no closer than 20' from any property line and shall comply with all other regulations of the district in which the use is located.

Motion to refer Pathstone to the Zoning Board of Appeals with the Planning Boards recommendation for the variances: M/2/C (J. Brown/D. Andersen) Carried 6-0.

Chairman Rick Bennett and the Board decided to review SEQR after the applicant receives the requested Variances from the ZBA. Motion to hold off on SEQR review: M/2/C (R. Haak/K. Strauss) Carried 6-0.

With no comments from the public, Chairman Rick Bennett stated that the Public Hearing would remain open until the Board receives comments back from the Zoning Board. Motion to keep the Public Hearing open: M/2/C (R. Haak/A. Baranes) Carried 6-0.

### **3) *Stone Creek Estates – West Avenue, Livonia, N.Y.***

Andrew Viera, owner and John Sciarabba of Land Tech came forward to discuss the proposed 2-Lot Subdivision.

Chairman Rick Bennett read the following statement:

This application was not submitted to the Livingston County Planning Board for their review as it is exempted from a referral by agreement item 7: "Minor Subdivisions, as defined by local code, where no new roadways are created, no extension of municipal water or sewer facilities is required, and no new access points are proposed to a county or state highway."

J. Sciarabba: introduced Andrew Vieira and reviewed the application. They have reduced the application to 2 lots. Lots are served by public water and sewer. The grade allows walk-out

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basements in the back. They do not see any negative impacts to the neighbors or Wilkins Creek. We have submitted plans to the LCWSA.

J. Brown: DEC's involvement?

-J. Sciarabba: a residential subdivision that disturbs less than 1 acre of land does not need to a Stormwater Pollution Prevention Plan (SWPPP), which requires a DEC permit.

These 2 lots are under that threshold. They will be getting a SWPPP in the future and the third lot will be incorporated into that plan.

R. Bennett: CPL comments are no longer applicable with this application, but will be addressed as part of the larger project.

Chairman Rick Bennett asked the Board about waiving the Public Hearing.

R. Haak: the public should be aware of the project every step and would like a public hearing at this point.

R. Bennett: this project has been off and on the books since 1972. Asking for a public hearing for a 2-lot subdivision would not be appropriate or consistent with the Board's past policy of waiving it for similar projects.

J. Brown: would like to have the public hearing for the bigger picture down the road and not on this small project.

J. Sciarabba: They have already taken steps to bring attention to the project by meeting with the Village Board. They would appreciate the Board acting on this application the way it is and look forward to engaging the public on the overall concept.

A Backus: The big picture is where we want the public to be involved. They have disclosed what they want to do in the future and have provided a conceptual overall. West Ave. is developed along the street in the same character as the two proposed and the Board is holding the developer to the same standard as other minor subdivisions. A potential Phase 2 will be reviewed at a higher standard.

Motion to waive the public hearing for the two-lot subdivision: M/2. (D. Andersen/J. Brown) Carried 5-1. R. Haak – Nay.

Chairman Rick Bennett and the Board reviewed the Short Environmental Assessment Form. No moderate to large impacts were identified. A Negative Determination of Significance was determined. Motion to accept a negative declaration: M/2/C (J. Brown/K. Strauss) Carried 6-0.

Chairman Rick Bennett asked for a motion for approval of Stone Creek Estates Phase 1, 2-lot Subdivision. Motion to approve the Subdivision: M/2/C (K. Strauss/J. Brown) Carried 6-0

With no further discussion and nothing further on the agenda, Chairman Rick Bennett asked for a Motion to adjourn the meeting at 7:41 p.m. Motion to adjourn: M/2/C (R. Haak/A. Baranes) Carried 6-0

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Respectfully Submitted,  
Julie Holtje, Zoning Compliance Assistant