

**LIVONIA JOINT PLANNING BOARD**  
**JULY 23, 2018**

Present: Chair Bennett, D. Andersen, R. Haak, D. Richards, CEO A. Backus, & Secretary, A. Houk.

Excused: J. Palmer, D. Simpson, J. Sparling, Attorney J. Campbell

Agenda:

- 1) Approve the meeting minutes. –June 11<sup>th</sup>, 2018**
  
- 2) Shaun & Jennifer Ladd – Big Tree Road, Livonia, New York, Tax # 65.63-1-33.2, Approval of Site Plan & Conditional Use Permit.**

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

1) Approve Meeting Minutes for June 11<sup>th</sup>, 2018. Chair R. Bennett asked for a motion to approve. M/2/C (R. Haak/D. Richards) approved as submitted. Carried 4-0

**2) Shaun & Jennifer Ladd – Big Tree Road, Livonia, NY**

Chair R. Bennett asked Shaun & Jennifer Ladd to come forward to discuss approval of Site Plan and Conditional Use Permit for a Food Trailer and Stand on the triangular lot west of the Vitale Park parking lot.

PLEASE TAKE NOTICE that the LIVONIA JOINT PLANNING BOARD will hold a public hearing on Monday July 23, 2018 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Shaun & Jennifer Ladd for approval of a Conditional Use Permit per Section 150-37 of the Zoning Code of Livonia. The proposal is for Food Trailer located at Big Tree Road, Lakeville, New York. Tax parcel number 65.63-1-33.2. The Conditional Use Permit is required per Section 150-37 D (2). The property is zoned Waterfront Development (WD). 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.

The applicant is here tonight for Site Plan approval and a Conditional Use Permit for the Food Trailer. They came before the Planning Board with a proposed concept for a Food Trailer. The Planning Board looked favorably on their concept pending Town Board involvement due to the proximity to Vitale Park. CEO A. Backus summarized the outcome from the Town Board Meeting on June 7<sup>th</sup> regarding the proposed Food Trailer located on the lot west of the Vitale Parking lot. The Town Board agreed that they would not be installing a fence, which would be detrimental to the applicant as long as the applicant obtained Site Plan approval and that satisfactory screening & landscaping were implemented. The applicant will grant a drainage

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easement to the Town for the forthcoming mutual drainage improvements in and around Vitale Park. Chair R. Bennett asked the applicant to explain for the Public their proposal since they were not present at the last concept meeting. S. Ladd stated that they are proposing to develop and clean up the property and place a Food Trailer with an ice cream stand. With approval, they would also like to erect a fence on the west side of the property. They had originally proposed putting 8-10 parking spots on the back side of the lot. Lighting would be dark sky compliant.

Chair R. Bennett opened up the Public Hearing. He asked that they state their name and address. John & Margaret Meyers of 3470 Lakeville Park stated that they discussed with the applicant their plans for lighting and a fence. Their concerns are the 10 parking spaces that would be going in across from their property. The road is a gravel and dirt road. People coming and pulling in and out of the parking spaces will eventually tear up the road. J. Myers stated that he has mentioned his concerns to the Town Board stating that since the road is currently a private drive, he felt there was a need for some improvements on the road with increasing the traffic volume. He would rather see a driveway going into their property with parking spots. Chair R. Bennett commented that he thought the Town was going to be making some improvements to that road. CEO A. Backus clarified that those improvements were from the traffic light to the back of Pizza Paul's. That was a joint operation to correct and improve some of the drainage issues in that area. There was paving done and catch basins installed in that area. At this time, there are no plans for any improvements that he was aware of to Lakeville Park Road. Highway Superintendent does not recognize Lakeville Park as a road that is maintained by the Town. Residents confirmed that they share the maintenance and snow removal. M. Meyers asked the applicant if they could advise her when they were doing any work to ensure she could exit and re-enter to her property as she needs to leave for work later in the day time. J. Ladd stated that there are no immediate plans to implement any parking at this point. They will address that after things are up and running. CEO A. Backus asked if the Ladd's plan to operate during the winter. J. Ladd stated that they will be operating in the winter, but it will be limited. Seth Bagley, who owns two adjacent properties located at 3461 Lakeville Park and 5812 Big Tree Road stated that he has no objections to the food truck. His concern is the road and feels the Town needs to fix Lakeville Park Road. There is going to be an increase in traffic with this proposal, and there is an additional commercial parcel for sale that has potential for another business which will increase the traffic. He feels that the Town needs to fix the road and put in sidewalks to accommodate the development. He is also concerned about people parking in his parking lot and throwing their garbage into his dumpster. Mark Loi of 5818 Big Tree is also concerned about people parking in his parking lot. He stated it is very hard, especially when its busy to monitor the parking lot to make sure it is being used by his customers only. He is concerned about people using his dumpster, as this is a current problem. He asked if they will be having any music or bands. J. Ladd stated that there are no plans for any music. He is in support of the Ladd's proposal. S. Ladd stated that they have considered erecting a fence on the west side of their property which would deter people from parking at the Chinese Restaurant and S. Bagley's property. The Ladd's also own the old Nothnagle building, which has 25 parking spaces available. S. Bagley asked where the water line was going to the Ladd's property. S. Ladd stated that the water and sewer lines ran down Lakeville Park Road. The Ladd's will be contacting the Livingston County Water & Sewer to connect into the current lines. J. Myers stated that he was aware they were going to be placing picnic tables and asked if they were also

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going to be supplying their own trash cans. J. Ladd stated that they will have a their own garbage cans and dumpster located on their site, but it will be a carry in, carry out site like Vitale Park. S. Ladd stated that they are very approachable and open minded and plan to run a nice operation. S. Bagley stated that he has no problems with the Ladd's proposal, his concern is the road. CEO A. Backus stated that Lakeville Park Road concerns need to be addressed to the Town Board. Vitale Park is not endorsing or inviting people to park in the Park and walk on to private property for business. Lakeville Park Road is a concern to the neighbors that live in that area. Chair R. Bennett stated that their signage location should not be directing people down the private road. The Ladd's felt that their property is very noticeable and the sign would be discussed and approved with Building & Zoning. CEO A. Backus stated that in their initial proposal regarding drainage, there are no plans to do any grade changes other than seeding and cleaning it up. Chair R. Bennett stated that it could be stated on their Building Permit that any grade work to be done in that area, would be coordinated with the Town prior. Any substantial grades changes would require Planning Board review.

Chair R. Bennett asked for motion to close the Public Hearing. Motion to close: (M/2/C (D. Richards/D. Andersen) Carried 4-0

Chair R. Bennett and the Board reviewed SEQR. Negative declaration was determined. Motion to approve: M/2/C (R. Haak/D. Andersen) Carried 4-0

Chair R. Bennett stated that the Site Plan approval will require a one year follow up, or as needed if there are any issues. Parking will be 3-4 spaces for employees. Any additional parking added on the west side of the lot, that is intended for customers would require prior Planning Board approval, and involvement from the Town and Highway Department. CEO A. Backus stated that the parking on the west side should also be coordinated with the existing neighbors who maintain the property jointly. Site clean-up and grass seeding, but no further trees removed. Dark sky compliant lighting. Any changes in grading will be reviewed prior with the Building & Zoning Department. Any drainage work regarding the drainage Easement will be coordinated with the Town of Livonia. They will contact the Livingston County Water & Sewer Department to coordinate service.

Chair R. Bennett asked for a motion to approve the Site Plan Application as presented with the added amendments listed above. Motion to approve: M/2/C (D. Richards/R. Haak) Carried 4-0

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
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

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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

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

There is adjacent public parking, employee parking will be provided and any development will be in conjunction with the Town of Livonia. Additional customer parking will be coordinated with the existing neighbors.

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

Drainage to be coordinated with the Town of Livonia and Livingston County Water & Sewer

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

Chair R. Bennett asked for a motion to approve the Conditional Use Permit for the use of the Food Trailer and Stand. Motion to approve: M/2/C (R. Haak/D. Andersen) Carried 4-0

CEO A. Backus had a brief discussion with the Board regarding the Cell Tower removal Bond. The applicant was not present.

With no further questions, Chair R. Bennett asked for Motion to adjourn the meeting at 8:27 p.m... Motion to adjourn: M/2/C (D. Richards/R. Haak Carried 4-0

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Respectfully Submitted,  
Alison Houk, Recording Secretary