

LIVONIA JOINT PLANNING BOARD
OCTOBER 24TH, 2016

Present: Chair Bennett, C. Casaceli, J. Palmer, D. Richards, J. Sparling, CEO A. Backus, and Secretary, A. Houk.

Excused: Attorney J. Campbell, R. Haak, D. Simpson

Agenda:

- 1) Approve the meeting minutes from September 26, 2016*
- 2) Finger Lakes Timber – 6273 Decker Road, Livonia, N.Y. 14487
Site Plan review.*
- 3) Vincenzo's Pizza – 5909 Big Tree Road, Lakeville, N.Y. 14480
Modification to previous Site Plan.*
- 4) Baba Lakkhi Shah Banjara Centre – 16 Washington Street, Livonia, N.Y. 14487
Concept to convert back to Church use.*

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

1. Meeting minutes for September 26th, 2016. Chair Bennett asked for a motion to approve. M/2/C (J. Palmer/J. Sparling) approved as submitted. Carried 5-0

2) Finger Lakes Timber – 6273 Decker Road.

CEO A. Backus stated that an updated proposed Site Plan was emailed for the Board's review. Chair Bennett asked the Board if everyone had a chance to review the proposed Site Plan and asked for any comments. Chair Bennett stated that the biggest issue was the trigger for any new equipment and the decibel rating. The Board agreed that would like to continue to review and will forward any comments back to CEO A. Backus. They will plan to finalize the Site Plan at the November 14th, 2016 meeting.

3) Vincenzo's Pizza – 5909 Big Tree Road.

Chair Bennett invited Mark Muller, Architect representing Vincenzo's to come forward to discuss the modifications to the Site Plan. M. Muller explained that they will be asking the Zoning Board of Appeals for relief for a west side setback variance and expansion of non-conforming. Their request is for a 16' X 24' addition for kitchen support and inside access to the coolers. The addition is being built where there is an existing concrete pad and there will be minimal disturbance and change to drainage. Chair R. Bennett asked CEO A. Backus if there was any other issues he was aware of. A. Backus stated that as long as the drainage wasn't impacted. Lot coverage is okay. Chair R. Bennett confirmed that currently there is a 6' side setback on the existing building and due to the lot line, it will set back to 3'. Chair R. Bennett asked the Board for any comments. D. Richards stated that there was enough room to get around to the back if needed. Chair R. Bennett asked if the concrete slab will be staying. Architect M. Muller stated yes the concrete will stay, they will stay within the existing footprint. J. Sparling asked for clarification on what the new addition will be used for. M. Muller stated that it will be used for kitchen storage and receiving deliveries. They will move the coolers off the slab to the east so they will have direct access. J. Sparling asked if there was going to be any venting on the west side. M. Muller

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confirmed that will be a solid fire rated wall constructed to New York State Code. C. Casaceli asked if the addition will have any additional seating. The new addition will be for kitchen support purposes. Chair R. Bennett stated that the Board will send a letter to the Zoning Board stating that they are not opposed to the Site Plan modification as submitted.

4) *Baba Lakkhi Shah Banjara Centre – 16 Washington Street.*

Chair Bennett invited David Matthews, from Design One Architecture representing 16 Washington Street to come forward for discussion of the preliminary concept to convert the property back to Church use. D. Matthews stated that he was hired to take this through the investigational phase. He presented the Board members with site aerial and photo's for their review. The property has not been purchased yet, the potential buyers, AKL Builders of New York City plan to convert the Church from residence use, back to religious use with a change of use/occupancy. The buyer first name is Gurmukhsingh who refers to himself as "Sammy" and this is who D. Matthews has communicated with regarding this purchase. There would be no changes to the building other than what would be considered "Code" changes. The intended use of the building would be to have services on Friday and Sunday from 8 a.m. to 11 a.m. There would be a meal gathering time from 11 a.m. to 1p.m. both days which would be open to the public. Other than Friday & Sunday, there would be no occupants in the building. Parking during services & meal gathering would take place at the existing parking lot across the street. They would have a flag man out during those times to direct traffic from the start to the end of the occupied time. There was a possibility of them inquiring regarding a full time residence as part of the change of occupancy. D. Matthews stated that from his investigation, that would be a very difficult and costly venture into the Building Code requirements. D. Richards asked CEO A. Backus when the property changed uses from a Church to residence. CEO A. Backus stated in 2011 it was converted to residence use, with minimal changes. J. Palmer asked who owns the Rectory. A. Backus stated Brian Dudley located at 14 Washington Street. B. Dudley stated that it has been privately owned since 2004. CEO A. Backus stated that since the house has been divided, there is a shared driveway. Mr. Dudley has a young family and access around that side of the building is a significant concern and issue. That side of the building was previously used for handicap access. J. Sparling asked if it is presently a residence and if there was any business being done for the location. CEO A. Backus confirmed that it is a residence currently, but believes the occupant has moved out. Chair R. Bennett asked if the site pictures were current, it doesn't appear there would be any substantial changes to the building. D. Matthews stated that they were taken last week. CEO A. Backus stated that the changes would be minimal such as expanding the bathrooms and they would be requesting for the Church Pews to be removed. Chair R. Bennett asked what the current zoning allows there. CEO A. Backus stated it is Neighborhood Residential. It would allow a place of worship, provided Site Plan approval and Conditional Use Permit. Chair R. Bennett asked if the shared drive was dual ownership, CEO A. Backus stated that it would require Easements to use it. J. Sparling asked if there was a current written Easement. B. Dudley stated that his survey map indicates the ingress and egress for the Easement. Chair R. Bennett requested B. Dudley to provide a copy of his survey to CEO A. Backus for the Board's review of the Easement. C. Casaceli asked for clarification that the handicap access would be on the shared side. D. Matthews confirmed that was the only feasible option or a lift in the same area. J. Palmer asked if there was a ramp there before, CEO A. Backus confirmed there was. It's now gone and now you have to conform to today's Code. There is 4-1/2' from the property line to the building. CEO A. Backus asked how many they expect in attendance. D. Matthews stated he was not advised how many people. When he ran the occupancy counts, it was approximately 300 and that would push other Code issues, fire,

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sprinklers, extra plumbing, and fixtures. C. Casaceli asked what the kick out at the back of the building was for. D. Matthews stated that was the basement access and stairway down to a utility room. Chair R. Bennett asked if there was enough room in the back for a turn around. CEO. A Backus stated it would be extremely tight. Also, the retaining wall is in bad shape and we would have to look into lighting. J. Palmer stated that once the congregation became of moderate size, there would most likely be interest in forming different committee's and youth groups. That would trigger use of the church beyond it normal Friday and Sunday use and may include evening hours. Chair R. Bennett asked B. Dudley what was his access to the shared driveway. B. Dudley stated that there is a fence with a gate that faces the church. When he put the fence in, he honored the agreement to kept 10' off the concrete even though the property line goes through the concrete pad. The fence went up because the current owners were going through that area too fast. Mr. Dudley has four young children and is very concerned about this area for safety reasons. D. Richards asked how much property B. Dudley owns beyond the fence. Mr. Dudley stated 10' to the property line, about half of the driveway. CEO A. Backus stated that if Mr. Dudley were to put up a fence on his property line, it would leave 10' for the driveway when 12' is needed. J. Sparling stated that if the fence were to put up, there is no way someone could make the turn, there is not enough room. J. Sparling asked where the snow gets pushed. B. Dudley stated that the snow is usually pushed to the south of the property line, but has not been maintained on a regular basis. J. Sparling stated that the may be further review needed regarding a new agreement for the shared drive as the use and times will change. J. Palmer mentioned that the Methodist Church may still be for sale as an alternate location. B. Dudley stated that his concerns are for the safety of his young family due to access & traffic. The noise associated with two days a week use and losing his privacy. Drainage has also been an issue with the snow. The bushes in the front of the building overhang, encroaching on the sidewalk. The Boards consensus is that there is no problems using the building as a Church. The biggest issues regarding the property are the shared driveway and the handicap access. Putting the handicap access back where it was would infringe upon the driveway and make access more difficult. They will also need renegotiation of the driveway Easement. A Public Hearing will be required to proceed. CEO A. Backus stated that we have had very little information from the prospective buyer. They have not contacted Building and Zoning and have done everything through a realtor using just an organization name. The Board needs to consider the impact on the residential neighborhood. The traffic patterns and the parking access on an already narrow street. Moving forward we would need a detailed preliminary Site Plan proposal presented to the Planning Board and a Public Hearing date to meet with the Zoning Board for the variance for the driveway.

Motion to adjourn the meeting at 8:00 p.m... M/2/C (J. Sparling/J. Palmer) Carried 5-0

Respectfully Submitted,
Alison Houk, Recording Secretary