

LIVONIA JOINT PLANNING BOARD
NOVEMBER 26TH, 2018

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

Excused: Attorney J. Campbell

Agenda:

- 1) *Approve the meeting minutes. –October 22, 2018, 2018***
- 2) *Vincenzo Pizza – 5909 Big Tree Road, Lakeville, N.Y*
*Site Plan modification for proposed Addition concept***
- 3) *Bruce Beardsley – Meadow Drive, Livonia, NY*
*4- lot Subdivision off Meadow Drive.***

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

- 1) Approve Meeting Minutes for October 22 2018. Chair R. Bennett asked for a motion to approve. M/2/C (D. Richards/J. Palmer) approved as submitted. Carried 6-0

2) *Bruce Beardsley - Meadow Drive, Livonia, New York.*

Chair R. Bennett noted that the applicant, nor his Engineer were present for the meeting. CEO A. Backus stated that the applicant and Engineer were notified of the meeting date and stated that they would be attending tonight's meeting. Clark Patterson Lee sent a response regarding the preliminary Subdivision application, which was forwarded onto the applicant and Engineer. Since we have the Village Attorney present, Peter Skevington, we can proceed to discuss any issues of concern. It was asked if the Livingston County Planning Board voted in favor of B. Beardsley's proposal. CEO A. Backus stated that a motion was made to recommend approval, but failed to secure the recommend number of votes for passage as there was not a quorum present. Therefore, the Livingston County Planning Board took no official action on the application. A response of no action should not be construed as a judgement on the project. The Village is free to take final action on the proposal. Chair R. Bennett stated that there are items regarding the Subdivision that need to be addressed. A declaration needs to be made to whether this is a major or minor Subdivision. The size would indicate that it is not a major, but per the Village Code, if there are any extension of municipal facilities, it now become a major Subdivision. Chair R. Bennett stated that the turnaround is non-conforming and there are drainage issues. When the first development went in, there was supposed to be an easement to a drainage pond, there is no easement at this time. There are also drainage issues downhill towards the school, where drainage from that property is causing icing problems on the road. There is still the existing water pressure issues. Approval will not be granted until these items are addressed. D. Andersen stated that at the last meeting, there was a discussion regarding the

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width of the road. Chair R. Bennett stated that between the Village and Clark Patterson Lee, they have come to a compromise as far as the width. CEO A. Backus stated that the property was surveyed by Barry Carestio. Clark Patterson Lee came up with a solution and provided renderings of an acceptable turn around that would accommodate School Buses and Fire Trucks. The applicant went ahead and developed the property, which didn't match what Clark Patterson Lee said would work. The applicant was given Stop Work orders, and two Appearance Tickets. It proceeded to a trail, where the applicant was found guilty and the project stopped there. Currently the applicant is treating this as a private drive with no public turnaround. Whether it is to be called a private drive or a cul-de-sac, there were Design Standards that were not met. There are several challenges if this were to be a Private Drive. What would the Village do with its snow, people who want to use the turnaround, and don't recognize it's a private drive. Mailboxes, snow storage, snow removal. Their position on the existing detention pond is that they have the proposed Subdivision engineered to show that they will have no further impact on the system, than what is there currently, their plans will not adversely affect the detention pond. We now have a detention pond that handles the entire development, a private homeowner that owns it, with no easement to maintain it. Chair R. Bennett stated that he believes that the Village needs to have control over the detention pond. D. Richards agreed, and stated that the Village needs to be able to go in and clean it out when needed. Tony Backus stated that once the land was cleared, the impact became worse. The brush that was cleared, slowed down the water and now water comes in faster than it did before. Chair R. Bennett stated that in order for this application to proceed, the cul-de-sac/private drive needs to be satisfactory to the Village. Whether it be a private drive or dedicating it to the Village, and meet Town & Village Standards. CEO A. Backus stated that the Village could grant a Variance to the Design Criteria. The drainage needs to be addressed, starting at square one. The applicant needs to bring his proposal up to Standards, acceptable to the Village Engineer. Attorney Peter Skevington asked when the last time the applicant was before the Planning Board. CEO A. Backus stated that back on June 14th, 2014 he came to present the concept. The Planning Board stated they looked favorably on the basic plan, provided the turn-around could be resolved, and that if and when the applicant was ready to proceed, to prepare a formal preliminary Site Plan that clearly indicates the proper design criteria necessary for formal review and approval. Time went on, and the applicant proceeded with putting in the cul-de-sac/private drive. He has now come back with an Engineer to try to do things right. The Board agreed to place him on the agenda, providing the water pressure issue could be resolved. He was given eleven points to address from the Town's Engineer, Clark Patterson Lee. CEO A. Backus stated that there have been no discussions regarding addressing a solution for the detention pond. R. Haak stated that the Beardsley Engineer report states the storm water runoff is draining to the school's swale, on the west side of the development. CEO A. Backus stated that in 1986, when the original development was approved, there were discussions regarding the ditch at the school and it would need to be re-graded to provide positive drainage. Back then, it was an open ditch, now it has been closed up to a stone path with a pipe in the bottom, and water currently over flows at points. The conditions have changed, since then and it was never modified to handle the storm water from phase two development. Water from this new development should not be dumped over the school property without addressing the issues. Peter Skivington asked when was the last time the applicant was present. CEO A. Backus stated that it was on October 22. It was planned that the applicant and his Engineer would be attending tonight's meeting. Peter Skevington stated that he will work with CEO A. Backus to notify the applicant and Engineer Glenn Thornton that they

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expected them to be in attendance tonight and that there are many issues to discuss, and they will be placed on the next agenda of December 10th. They will come up with a list, incorporating questions from Clark Patterson Lee that should be addressed with the Planning Board prior to moving forward. Chair R. Bennett asked CEO A. Backus to do a comparison of what would be required if it is a Major, versus a Minor Subdivision. P. Skivington stated that there are also issues that need to be addressed with Tony & Joanne Backus. Joanne Backus stated that the water pressure issue on Big Tree has not be resolved. CEO A. Backus updated the Board that the Village did receive funding for the water pressure issues on Meadow Drive, but it does not include East Avenue or Big Tree, due to the two shut off areas where they could be pressurized. Possibly addressing the pressure issues on Meadow, may help with the issues that exist on East Avenue and Big Tree. Tony Backus stated that they have checked the water pressure throughout the day, the pressure stays right around 20 lbs. P. Skivington stated that he will check with the Mayor to see what the timeline was for the that project, he thought it was to begin in the spring of 2019. P. Skivington suggested that the Planning Board not grant approval until the issues with the detention pond are resolved. Chair R. Bennett stated that the application will be tabled until further information from the applicant.

2) *Vincenzo Pizza – 5909 Big Big Tree Road, Lakeville, N.Y.*

Chair R. Bennett asked Mark Muller, Architect representing Mike Yodice of Vincenzo Pizza to come forward to discuss the proposed Addition concept. M. Muller stated that Mr. Yodice was granted approval back in 2016 by the Zoning Board of Appeals to construct a 15' 4" X 24' deep Addition, to be built off the back of the existing structure. The Addition was never built. Mr. Yodice is ready to proceed, but would like to increase the size to 16' X 36'. This would allow additional room for delivery trucks to back directly up to the building. CEO A. Backus stated that in 2016, the Zoning Board of Appeals voted 3-2 in favor of the proposed Variance. D. Richards stated that their current plans were not going to be infringing on any neighbors. CEO A. Backus asked if they were planning to fire rate the wall, since the structure was so close to the property line. M. Muller stated that it would be fire rated drywall. The relocated coolers and apparent elimination of some parking spaces, along with stormwater and roof drainage management, would also need to be addressed. Chair R. Bennett stated that the Board looks favorable on the application and will refer it back to the Zoning Board of Appeals for their review for the Variance.

With no further questions, Chair R. Bennett asked for Motion to adjourn the meeting at 7:42 p.m... Motion to adjourn: M/2/C (J. Sparling/D. Andersen) Carried 6-0

Respectfully Submitted,
Alison Houk, Recording Secretary