

LIVONIA JOINT PLANNING BOARD

March 25, 2024

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

Excused: CEO Adam Backus, Attorney J. Campbell

Agenda:

- 1) *Accept and approve the meeting minutes – February 12th, 2024.*
- 2) *Solitude Brewing – 5953 Big Tree Road, Lakeville, New York – Site Plan/Public Hearing.*
- 3) *Susan Duke – 3411 Rochester Road, Lakeville, New York – Site Plan/Public Hearing.*
- 4) *Verizon Wireless/Hemlock Cell Tower – 7370 Fair Street, Hemlock, New York – Modification to Site Plan.*

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

- Approve Meeting Minutes from March 11th, 2024. Chairman Rick Bennett asked for a motion to approve. M/2/C (J. Palmer/R. Haak) Carried 7-0.

With no one in attendance for Solitude Brewing, the Board invited Susan Duke forward. Ken Fantigrossi from Magnum Services joined her and will be her project manager.

2. Susan Duke – 3411 Rochester Road, Lakeville, New York

ZCA J. Holtje:

PLEASE TAKE NOTICE that the LIVONIA JOINT PLANNING BOARD will hold a public hearing on Monday, **March 25, 2024**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Susan Duke** for Site Plan review according to Section 150-12 of the Zoning Code of Livonia. The application is for a proposed office building. The property is located at **3411 Rochester Road**, Lakeville, New York, Tax Parcel #: 65.63-1-5, and is zoned Gateway Commercial District (GC). 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.

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Susan explained that she has come to finalize the site plan for her office building/client experience center. They do not plan to increase their growth substantially, but this is to have a nicer facility than what is there now. They understand that there is some additional information required by the Towns consultant engineer; they are working on it and have no issues with providing the requested information.

ZCA J. Holtje said that this information will not substantially change the site plan as it is submitted to the Board, they are items they can follow up on in the building permit process.

Chairman Rick Bennett opened the Public Hearing. With no comments, Chairman Rick Bennett asked for a motion to close the Public Hearing. Motion to close: M/2/C (J. Brown/J. Palmer) Carried 7-0

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 approve: M/2/C (R. Haak/D. Andersen) Carried 7-0.

This Site Plan application was referred to the Livingston County Planning Board for review. Livingston County Planning reviewed the application and determined it has no significant Countywide or inter-municipal impact. Approval or disapproval of this application is a matter of local option.

Chairman Rick Bennett asked for a motion to approve the Site Plan application. J. Brown made a motion to approve as submitted with compliance of the Clark, Patterson & Lee Engineering document dated March 22, 2024. Motion to approve: M/2/C (J. Brown/J. Palmer) Carried 7-0

3. Solitude Brewing – 5953 Big Tree Road, Lakeville, New York

Chairman Rick Bennett asked Chris Wegener to come forward for the proposed Site Plan for the restaurant and Farm Brewery and read the following statement: This Site Plan application was referred to the Livingston County Planning Board for review. Livingston County Planning reviewed the application and determined it has no significant Countywide or inter-municipal impact. Approval or disapproval of this application is a matter of local option.

ZCA J. Holtje:

PLEASE TAKE NOTICE that the LIVONIA JOINT PLANNING BOARD will hold a public hearing on Monday, **March 25, 2024**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of **Solitude Brewing/Chris Wegener** for approval of a Conditional Use Permit per Section 150-20D, and for Site Plan review according to Section 150-12 of the Zoning Code of Livonia. The proposal is for a Restaurant/bar/tavern and Farm Brewery located at **5953 Big Tree Road**, Lakeville, New York, Tax parcel number 65.72-1-43. Site Plan and a Conditional Use Permit approvals are required per Sections 150-36 B (3), 150-36 C (5) and 150-36 D (1). The property is zoned Gateway Commercial (GC). 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.

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Chairman Rick Bennett asked Chris Wegener to go through the comments from the Livingston County Planning Board. Discussion:

4. Parking typically is determined by customer-occupied space and gives consideration for employees.
5. Box trucks will deliver to an overhead door on the west side once or twice a week. There won't be any semi-trucks.
6. Erosion control will not be an issue as there is minor site work. C. Wegener will maintain the area that the Town has the drainage easement on.
7. An access easement to the overflow parking area will be provided to the Brewery parcel. C. Wegener will consult his attorney about this legal agreement.
8. The overflow parking will remain a grass lot so runoff will not be an issue. If in the future it is paved, stormwater will be addressed.
9. Discussion about sidewalks resulted in the Board agreeing with the policy they have had with previous projects in the Corridor. They did not make OSB, Little Lakes Brewing, or the Dental Spa put them in. These are existing buildings and not new construction. The Town will be working on grants for sidewalk implementation.
10. Discussion regarding a stone pathway to the overflow parking area. The Board agreed that ADA spaces would be preserved on the Brewery parcel and are not necessary on the overflow parking at this time. D. Anderson explained that part of the County's concern was keeping people on the path. C. Wegener hopes to fill the overflow parking and would be happy to put in a hard surface later if the traffic warrants.
11. The Building and Zoning Department will assign an address to the overflow parking area.
12. K. Strauss brought up the concern about families and kids using the road from the overflow parking lot. C. Wegener will start with stakes and ropes to direct foot traffic and identify the path.

Chairman Rick Bennett opened the Public Hearing. With no comments, Chairman Rick Bennett asked for a motion to close the Public Hearing. Motion to close: M/2/C (J. Brown/K. Strauss) Carried 7-0

Chairman Rick Bennett and the Board reviewed the Short Environmental Assessment Form. No moderate to large impacts were identified. D. Anderson noted that the project has been a significant improvement to the site. A Negative Determination of Significance was determined. Motion to approve: M/2/C (J. Brown/Kelly Strauss) Carried 7-0.

Chairman Rick Bennett and the Board reviewed the Conditional Use Permit criteria.

Discussion about hours of operation and noise with other similar businesses in the area. C. Wegener proposed 2 events a week, ending by 10 pm. Music was determined to be a potential issue, but it will be addressed by coming back before the Board if there are problems.

With no negative impacts identified, Chairman Rick Bennett asked for a motion to approve the Conditional Use Permit and the Site Plan application with the site plan being updated to reflect discussion about overflow parking and the pathway. R. Haak made a motion to approve the Conditional Use Permit and the Site Plan application as submitted with the following conditions. Music will be allowed twice a week, ending by 10:00 pm, with exceptions to holidays such as

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the 4th of July. If there are any public concerns or comments, the applicant will return to the Planning Board for further review. Motion to approve: M/2/C (R. Haak/A. Baranes) Carried 7-0

4) Verizon Wireless/Hemlock Cell Tower – 7370 Fair Street, Hemlock, New York

Chairman Rick Bennett asked Jeff Twitty of Bell Atlantic/Verizon Wireless to come forward for the requested change to the approved Site Plan application.

Chairman R. Bennett explained that this is a modification regarding the 10' vinyl fence. The applicant is asking to change it to a 10' chain link fence with privacy slats.

J. Twitty explained that this is a small change. They are unable to find a supplier for the 10' vinyl fence and would like to propose a 10' chain link fence with green vinyl slats. This would make maintenance easier. The vinyl was changed to a wood stockade, but that was determined to be harder to maintain. The owners requested a chain link fence with the vinyl slats.

Discussion by the Board:

- K. Strauss has concerns about the chain link being able to be climbed and would like to stay with the original vinyl fence.
- Chairman R. Bennett did research with a few commercial fencing companies; vinyl will be guaranteed for 20 years, chain link 30-40 years. On occasion chain link will rust, but not often.
- The main reason for the change is maintenance and the landowner's request. Verizon will maintain the fence. At the time the Board requested vinyl, the applicant did not know that it would not be available.
- Discussion regarding maintenance, climb ability, the vinyl slat filler, safety, availability of the vinyl, and rowdy fairgoers. The Board is not in favor of the wood stockade fence.
- The Board agreed that their preference is to remain with the vinyl fence if it is available within the construction time of the permit. The applicant is to provide evidence from the manufacturer if it is not available.

Chairman Rick Bennett asked for a motion to approve the Site Plan modification based on the following comment: verification that the previously approved Vinyl Fence is not available at all or that the lead time is outside the realm of the Permit date. If vinyl is not available, the Chain link fence with the green privacy slats, per the landlord's request, is an acceptable option as it meets the general intent. Motion to approve: M/2/C (J. Brown/A. Baranes) Carried 7-0

With no further questions, Chairman Rick Bennett asked for a Motion to adjourn the meeting at 8:47 p.m. Motion to adjourn: M/2/C (J. Palmer/R. Haak) Carried 7-0

Respectfully Submitted,
Julie Holtje, Zoning Compliance Assistant