

LIVONIA JOINT PLANNING BOARD

December 11th, 2023

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 13th, 2023.*
- 2) *Mark Sherwood/Livonia Liquor Store – 3-5 Main Street, Livonia, New York –
Tax # 75.5-1-10.1
Modification to Site Plan.*
- 3) *Paul Neenan – 7381 Richmond Mills Road, Livonia, New York –
Tax # 76.-1-16
Subdivision.*
- 4) *Verizon Wireless/Hemlock Fair – 7370 Fair Street, Hemlock, New York –
Tax # 84.14-1-1.1
Public Hearing/Site Plan.*

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

1) Approve Meeting Minutes from November 13th, 2023. Chairman Rick Bennett asked for a motion to approve. M/2/C (R. Haak/D. Andersen) Carried 6-0.

2) Mark Sherwood – 3-5 Main Street, Livonia, New York

Chairman Rick Bennett asked Mark Sherwood to come forward for the modification to the Site Plan for the proposed 40' X 100' storage building.

Chairman R. Bennett reviewed the status of the site plan modification, noting that the application was referred to the ZBA for exceeding minimum setbacks and lot coverage requirements. The Zoning Board approved the Area Variances as submitted.

CEO A. Backus reviewed that a previous condition was stormwater. The applicant has submitted a proposal to hard pipe the gutters to a stormwater system.

With no further comments from the Board, Chairman R. Bennett asked for a motion to approve the site plan modification as presented. Motion to approve: M/2/C (R. Haak/K. Strauss) Carried 6-0.

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3) *Paul Neenan – 7381 Richmond Mills Road, Livonia, New York*

Chairman Rick Bennett asked Dan Holtje, Land Surveyor representing Paul Neenan, to come forward for the 2 Lot Subdivision.

Dan Holtje explained that the house, well and septic are all existing and that his clients would like to separate the existing house with 5 acres. The Neenan's will reestablish a farming operation on the remainder of the land.

Chairman Rick Bennett asked for a motion to waive the Public Hearing. Motion to waive: M/2/C (D. Andersen/K. Strauss) Carried 6-0

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 (J. Brown/R. Haak) Carried 6-0.

This Subdivision application was referred to the Livingston County Planning Board for review. Chairman Rick Bennett noted that this subdivision is a minor subdivision that meets exemption criteria and does not need County Planning review under the Town's current contract. Livingston County Planning Board representative D. Anderson confirmed.

Chairman Rick Bennett asked for a motion to approve the Subdivision application as submitted. Motion to approve: M/2/C (R. Haak/A. Baranes) Carried 6-0

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

PLEASE TAKE NOTICE that the LIVONIA JOINT PLANNING BOARD will hold a Public Hearing on Monday, **November 13, 2023**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Bell Atlantic Mobile / Verizon Wireless** for a preliminary Site Plan according to Section 150-102 A of the Zoning Code of the Town of Livonia. The site plan application is for the construction of a 95' wireless communication facility with a 4' lightning rod to be located **at 7370 Fair Street, (Hemlock Fair)** Tax parcel # 84.14-1-1.1 in the Town of Livonia, NY, and is Zoned Neighborhood Residential Conservation District (ARC-5). This application is on file in the Livonia Building and 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 Public Hearing remained open from the November 13th, 2023 meeting.

With no further comments and no public present, the Public Hearing was closed. M/2/C (R. Haak/A. Baranes) Carried 6-0

Chairman Rick Bennett noted that the application had been referred to the Zoning Board of Appeals for a Conditional Use Permit. The ZBA approved the application conditional upon the SEQR review by the Planning Board and with the following comments:

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1. Minimum 10' solid vinyl fence - Verizon will be responsible for maintenance of the fence.
2. Bollards on the outside.
3. Access ladder on the tower to Town Code.
4. The appropriate bond being issued

Chairman Rick Bennett asked Jeff Twitty, Attorney at Nixon Peabody, representing Bell Atlantic/Verizon Wireless, and Dustin Wyman, RF Engineer for Verizon Wireless, to come forward to discuss the proposed site plan.

Discussion: 1. Bollard location and spacing - CEO A. Backus recommended a 3' separation of the bollards from the vinyl fence to ensure that the bollards could not be used as a step to climb the fence. Spacing on plan appears adequate. The Town does not have criteria for placement.

2. Lighting: R. Haak asked how the area would be lit. J. Twitty commented that the lights are on a timer and would only light the service area and be lit while it was being serviced. Height of the lights will be 10-12' so light would be at or below the fence height.

Chairman R. Bennett reviewed the long form SEQR form with the Board. With no moderate to large impacts identified, it was determined that the action will not have a significant environmental impact and an environmental impact statement will not need to be prepared. A motion was made to declare a negative declaration M/2/C (R. Haak/D. Andersen) Carried 6-0.

J. Brown noted for the record that the Board acknowledged the public concerns about health effects and that it was addressed through this process and by the FCC.

Motion made to approve the site plan for the construction of a 95' wireless communication facility with a 4' lightning rod to be located at 7370 Fair Street, (Hemlock Fair) as submitted with the following conditions and an updated set of plans with a signature block for the Planning Board Chairman:

1. Minimum 10' solid vinyl fence - Verizon will be responsible for maintenance of the fence.
2. Bollards on the outside of the fence, with a minimum of 3' separation from the fence.
3. Access ladder on the tower to Town Code.
4. The appropriate bond being issued

M/2/C (K. Strauss/J. Brown) Carried 6-0.

With no further questions, Chairman Rick Bennett asked for a Motion to adjourn the meeting at 7:37 p.m. Motion to adjourn: M/2/C (D. Andersen/R. Haak) Carried 6-0

Respectfully Submitted,
Julie Holtje, Zoning Compliance Assistant