

LIVONIA JOINT PLANNING BOARD
October 27th, 2025

Present: Chairman R. Bennett, D. Andersen, A. Baranes, J. Brown, J. Chamlis, R. Haak, K. Strauss, CEO, Adam Backus, Zoning Compliance Assistant, J. Holtje, Attorney J. Campbell.

Agenda:

- 1) Accept and approve the meeting minutes –September 22, 2025.*
- 2) Byrne Dairy – Big Tree Road, Lakeville, New York –
Tax # 65.-1-66.112
Conditional Use Permit & Site Plan*
- 3) Patrick Depuy – 3230 Poplar Hill Road, Livonia, New York –
Tax # 66.-1-47.115
Modification to Site Plan.*
- 4) John Hershberger– 6760 Richmond Mills Road, Livonia, New York –
Tax # 75.-1-7.2
Site Plan*

Chairman Rick Bennett opened the meeting at 7:30 p.m.

1) Approve Meeting Minutes from September 22, 2025. Chairman Rick Bennett asked for a motion to approve. M/2/C (D.Andersen/R.Haak) Carried 7-0.

2) Byrne Dairy – Big Tree Road, Lakeville, New York –

PLEASE TAKE NOTICE that the LIVONIA JOINT PLANNING BOARD will hold a public hearing on Monday, **October 27, 2025**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of **Sonbyrne Sales, LLC/Byrne Dairy** 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 4968 SF Byrne Dairy Gas Station and Convenience Store located at the NE corner of Big Tree Road and Thomas Drive, Lakeville, New York, Tax parcel number 65.-1-66.112. Site Plan and a Conditional Use Permit approvals are required per Sections 150-36 D (12).

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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.

Chairman R. Bennett opened the public hearing and asked Christian Brunelle, Senior Executive Vice President, to come forward for the proposed Conditional Use Permit and Site Plan review and read the following statement:

This application was submitted to the Livingston County Planning Board for their review. They determined that the application is incomplete regarding the impact on traffic and could not be reviewed. A traffic review letter has since been provided by the applicant and the revised application has been sent to the Livingston County Planning Department. The application will be heard at their November 13, 2025, meeting.

Christian Brunelle, VP of Byrne Dairy gave a detailed introduction to the project. There will be no access from Bronson Hill, the building will be 2 ft wider and 10ft longer than the one in Geneseo.

- Enclosed dumpsters and 30 parking spaces, also will provide a sidewalk along the right of way
- All testing for drainage went smoothly, they will be planting trees along the roadside and will be responsible for the landscape around the property, received a lighting plan and will show it at the next meeting
- They will work with the NYS DOT for approval and have submitted a traffic study.

Discussion and Public Comments:

- Sue Versluys, 5996 Big Tree Rd – biggest concern is traffic, she lives right across from REMAX and has a hard time getting out of their driveway. She wants to know how having bigger businesses around will impact the existing small local businesses. What happens if there is a gas leak, given that we are close to the lake? We already have drainage problems in this area.
- Rich Versluys, 5996 Big Tree Rd – Sees no measurement of traffic on the road. It is well-traveled, especially in the mornings and evenings and adding a gas station will create more traffic. Questions the 2 other exits, one by REMAX and the other on Bronson Hill Rd – wants to know if they will pay to open up to that road since there is not enough room for 2 lanes. Having McDonalds traffic is bad enough, worried about drainage going directly into the lake. Will any gas will go into the lake?
- Kailee Faulkner, 3517 Thomas Dr. Suite 4 – Kailee Faulkner, Native Wellness main concern is: will a corporation this big affect the future generations that plan on living and staying here, how will local/small businesses be affected, and the community in general.
- Rhonda Broman, 5729 Big Tree Rd – frequents the Byrne Dairy in Geneseo, so she is not opposed to one being put in Lakeville. The greatest number of accidents happened between McDonalds and E.Lake Rd. Concerned it will cause more accidents and would hate to see the small ice cream shop down the road go out of business because it would

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have competition now, same as pizza shops. Drainage issue should really be looked at. If this gets approved, will they still go through with the sidewalk plans?

- George Exley, 6210 Wilkins Tract – He is from Lake Placid and watched it go from a small town to a destination spot, like what is happening in Lakeville now. Thinks it is important to keep the small town and small business community. Big corporations take away from the small/new businesses coming to Lakeville.
- Kim Caldwell, 4032 Tuxedo Park– Will taxes and assessments will go up for the people that live on the lake? Wondering how it will work with roundabouts since it could be more accidents waiting to happen.
 - ZCA J. Holtje stated that a roundabout is not applicable in this location.
 - Atty. J. Campbell – regarding taxes, Byrne Dairy could apply for help through the County IDA, but there has been no discussion with the Town Board about taxes
 - C. Brunelle – they do not plan on seeking any tax relief.
- Sharon Mistretta, 4732 E. Lake Rd – Finds it strange that the applicant has his own archaeological professional. She states there is Native American history here, and there was no actual archeological dig. The only thing she has seen is a warning.
 - C. Brunelle explained the State process of investigating archaeology.
- Jean Kuttruff, 4119 E. Lake Rd –Wondering if the Comprehensive plan meeting is going to include anything that was talked about in this meeting.
 - ZCA J. Holtje -this application is not on Wednesday's agenda. People were encouraged to attend, as the process affects zoning and permitted uses the Town.
- Christopher Cowell, 5976 Big Tree Rd – A drainage problem currently exists, and is asking if this is adequate drainage. Wants to know if there is a plan to upgrade the drainage. The State is not doing anything to help with drainage now. Wants to ensure this won't make the existing problem worse.
- Effie Cowell, 5976 Big Tree Rd – The traffic study was done in October and doesn't feel it is representative of the big picture. Traffic is the worst between May and October. She fears for her life pulling out of her driveway with normal Saturday traffic. The intersection they plan on building on is already a safety hazard, and thinks it will make it worse. McDonalds garbage fills the culverts. The professionals that do these studies are not living here year-round and don't see what the people living there see. It can be a 5-6 minute wait on a regular day before she is able to pull out of her driveway.
- Jeanne Brown suggested the traffic study look into different time periods, to make sure that the traffic engineers understand our community.
- C. Brunelle – there will be 16 full time and approximately 25-30 part time employees. They will be open 24 hours/7 days a week
- Chris Wegener, 3598 Shoreline Dr – Green space is important and needs to exceed the requirements. The owners and tenants in that area are going to have an impact because of stormwater and traffic. There will be a pedestrian impact. Stormwater is a tough one to solve.
- Dick Mistretta, 4732 E. Lake Rd – It is hard to expect perfect drainage, when professional engineers designed the drainage that is not working now.
- Chad & Jamie Leuer, 3566 Camp Run Dr. - Drainage is a problem due to drains not being cleaned out. Does not think our community needs a Byrne Dairy since there is one in Geneseo, and there are many gas stations within a couple of miles.

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- Mike Mallaber, 6554 Florence Lane – Stated that every one of the of the planning board members wouldn't be there if they didn't care about Livonia. He spoke to the development process. A lot of towns are pro-development, and others easily turn projects down even if it meets all the requirements. States that the community is shrinking and would like to see it thrive and grow.
- Planning Board Chairman Rick Bennett noted that any new business can impact traffic. He emphasized that the Planning Board's role is to balance the rights of property owners with the potential effects of development. While the Board does not have the authority to approve or deny an application based on public opinion, it can address issues during the review process and implement changes where possible.
- Atty. J. Campbell explained the Planning Board's role in this project. He also explained the Town Boards role and Comprehensive Planning and the public input that is essential to the process.

Motion to declare Livonia Joint Planning Board as the lead agency in the SEQR process M/2/C (R.Haak/Jeanne Brown) Carried 7-0

With no further comments, Chairman Rick Bennett stated that the Public Hearing would remain open.

3) Patrick Depuy – 3230 Poplar Hill Road, Livonia, New York –

Chairman Rick Bennett asked Patrick Depuy to come forward for the proposed Modification to Site Plan and read the following statement.

This application was submitted to the Livingston County Planning Board for their review. They determined that it has no significant Countywide or inter-municipal impact. Approval or disapproval of this application is a matter of local option.

Discussion:

- Modification to Site Plan Review. 32'x56' Ag Barn with 8'x10' Lean-to & 16'x44' Overhang for Christmas Tree Farm sales.
- Agricultural barn is for personal use, not open to the public
- Grzenda's retired and Pat manages the tree farm. He wants to continue offering the service to the community.

Chairman R. Bennett asked for a motion to waive or schedule a public hearing. Motion to waive the Public Hearing: M/2/C (R.Haak/J.Brown) 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 accept a negative declaration: M/2/C (R.Haak/A.Baranes) Carried 7-0

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Chairman Rick Bennett asked for a motion to approve the modification to the Site Plan application. Motion to approve the Subdivision as submitted. M/2/C (J.Brown/J.Chamlis) Carried 7-0

4) John Hershberger/Perry Vet – 6760 Richmond Mills Road, Livonia, New York –

Chairman Rick Bennett asked John Hershberger and his representative Tim Brinduse of TAB Architecture to come forward for the proposed Site Plan.

Chairman R. Bennett read the following statement:

This application was submitted to the Livingston County Planning Board for their review. They determined that it has no significant Countywide or inter-municipal impact. Approval or disapproval of this application is a matter of local option.

Discussion:

- Site Plan review for a proposed 48'x72' Machine/Welding Shop & 12'x12' concrete generator building.
- Generators are not noisy; noise should not be a problem, made of all concrete, which helps break the sound up.
- If sound becomes an issue they will come back before the next meeting to discuss.

Chairman R. Bennett asked for a motion to waive or schedule a public hearing. Motion to waive the Public Hearing: M/2/C (R.Haak/J.Brown) 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 accept a negative declaration: M/2/C (K.Strauss/A.Baranes) Carried 7-0

Chairman Rick Bennett asked for a motion to approve the Site Plan application. Motion to approve the Site Plan as submitted. M/2/C (J.Chamlis/A. Baranes) Carried 7-0

With no further discussion, Chairman Rick Bennett asked for a Motion to adjourn the meeting at 9:37 p.m. Motion to adjourn: M/2/C (R.Haak/D.Andersen) Carried 7-0

Respectfully Submitted,

Julie Holtje, Zoning Compliance Assistant