

# **LIVONIA JOINT PLANNING BOARD**

**September 22, 2025**

Present: Chairman R. Bennett, D. Andersen, A. Baranes, J. Chamlis, R. Haak (video), K. Strauss, CEO, Adam Backus, Zoning Compliance Assistant, J. Holtje.

Excused: J. Brown, Attorney J. Campbell.

Agenda:

- 1) *Accept and approve the meeting minutes – August 25<sup>th</sup> & September 8<sup>th</sup>, 2025.***
- 2) *David Ripley/Lake Country Contracting – 4905 Main Street, Hemlock, New York – Tax # 85.-1-32.122  
3-Lot Subdivision.***
- 3) *Rich Kraft & Dave Ripley – 4777 Main Street, Hemlock, New York – Tax # 85.15-1-30.21  
Sketch plan.***
- 4) *Bryne Dairy– Big Tree Road, Lakeville, New York – Tax # 65.-1-66.112  
Sketch Plan.***
- 5) *John Hershberger/Perry Vet – 6760 Richmond Mills Road, Livonia, New York – Tax # 75.-1-7.2  
Sketch Plan.***

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

**1) Approve Meeting Minutes from August 25<sup>th</sup> & September 8<sup>th</sup>, 2025.** Chairman Rick Bennett asked for a motion to approve. M/2/C (K. Strauss/D. Andersen) Carried 6-0.

**2) *David Ripley – 4905 Main Street, Hemlock, New York –***  
Chairman R. Bennett asked David Ripley to come forward for the 3-Lot Subdivision review 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.

- D. Ripley – has 27 acres on 20A going up the hill and would like to split off 2 lots from the parcel, making 3 lots total.

Chairman R. Bennett asked for a motion to waive the public hearing. Motion to waive the Public Hearing: M/2/C (K. Strauss/A. Baranes) Carried 6-0

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- Chairman R. Bennett asked the Building & Zoning Dept. if they had any comments. The map was examined, and it appears that the items from the Building & Zoning Dept. memo, last dated July 9, 2024, have been addressed.

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 (D. Andersen/K. Strauss) Carried 6-0

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

### ***3) Rich Kraft & Dave Ripley – 4777 Main Street, Hemlock, New York –***

Chairman Rick Bennett asked Dave Ripley to come forward for the proposed sketch plan conference.

ZCA J. Holtje – in the MUHD, a use of car sales is not specifically listed. The use, per zoning code, will be referred to the ZBA. This is a sketch plan conference.

D. Ripley – They would like to put the Kraft Real Estate business office, the Lake Country Contracting office, and a limited car sales business office in the existing building. They will have maybe 20 vehicles at the most. We would not be doing any customer repairs at all.

#### Discussion:

- CEO A. Backus asked about the old gas tanks being removed and NYSDEC clearance of the site, and if there was anyone living in the building.
- D. Ripley – stated that the tanks have been removed with DEC., and it has a second-story apartment now. They are working to remove that tenant, and they will not be keeping that apartment.
- CEO A. Backus – we will need the full DEC clearance report. All we have at this point is a one-page letter suggesting DEC was involved. In a previous application, the request for an apartment was denied, and there can be no one living there.
- D. Ripley clarified that they will not be doing any autobody work or major repairs. He may fix a radio or door, but no type of auto repairs.
- The Board reviewed the site plan requirements and concluded that they are not sufficient to make a complete application, and the map is not accurate. A new map/site plan will need to be prepared to scale. A traffic pattern should be identified, and parking spaces provided for all vehicles. The current documents are contradictory.
- Sidewalks need to be addressed. Maybe mark the existing pavement. DOT owns most of the property where the sidewalk would be situated.
- CEO A. Backus mentioned that this is an existing site, not a new building and there may be some grandfathering. If it is determined not to be a substantial change of use, the Town's design criteria may not be applicable. Chairman R. Bennett asked for an analysis of requiring sidewalks.

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- The Board found the idea/overall concept of the project reasonable and encouraged the applicant to proceed with the preparation of a site plan. The site plan shall include the relevant requirements as discussed and outlined in Zoning.

### 4) *Byrne Dairy – Big Tree Road, Lakeville, New York –*

Chairman Rick Bennett asked Christian Brunelle, Senior Executive Vice President, to come forward for the proposed sketch plan conference.

- C. Brunelle introduced himself, the family-owned and operated business, and the conceptual layout for a 4968 square foot gas & convenience store. They sell a lot of groceries and have replaced many Big M Stores. They consider themselves a grocery store with a fuel facility. The site is 2.7 acres, but only 1.04 acres are buildable. Setbacks, easements, turning radius, and traffic requirements dictated the layout. They haven't made a landscaping plan yet, as they wanted to get the Board's feedback on that. He would like the Board to tell him what kind of trees they would like. No variances are needed; they meet or exceed all requirements. There is 50% green space. There will be much more detail on the stormwater, but this shows that there is more than enough room to manage it. All utilities are on site. A lighting plan will be included with 100% dark sky-compliant, directional down LED lighting. There will be no light spilling off-site. Pedestrian access has been planned for the future.
- C. Brunelle will supply a written rationale for the code requiring a 500' separation from the location of public assembly. His opinion is that this was to protect sensitive institutions like schools and churches from gas stations. All the assemblies in this area are group B's (businesses), not group A's (assemblies), which he believes the Code is intended for. I would like something in the minutes to reflect this.
- A. Backus believes that the terminology and classification is misleading and that Leisure's Restaurant has not been considered. We can discuss this in the coming days.
- R. Haak – The Planning Board has required other new builds to build sidewalks. The concern is with complying with the Corridor Plan.
- K. Strauss - Introducing people from Bronson Hill could become an issue; could speed bumps be introduced?  
CEO A. Backus-there is no direct traffic offered by the applicant from Bronson Hill. Whether or not they have legal rights to access the portion that connects to Bronson Hill is one thing, but if people end up trying to cut through this area, it would be a problem that all owners would need to address. This would not be an appropriate situation.
- Discussion about compliance with the Corridor Project. ZCA J. Holtje will investigate landscaping and sidewalk recommendations from the Corridor project and provide recommendations to the applicant and Board.
- D. Andersen – asked if the store will be open 24 hours a day, every day of the year.
  - C. Brunelle confirmed.
- The Board did not foresee any objection to the project and encouraged the applicant to proceed with the site plan application.

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

Chairman Rick Bennett asked John Hershberger to come forward for the proposed sketch plan conference. Tim Brinduse of TAB Architecture accompanied J. Hershberger and introduced the project.

Discussion:

- J. Hershberger would like to convert the building to retail and build a 48x72 welding shop.
- CEO A. Backus reminded the Board that the welders are sparse in this area. There is no welding shop around anymore, and it might be a good fit for the property.
- T. Brinduse – they will not be using power off the grid and will also be building a 12x12 concrete building to enclose a diesel generator.
  - A description of the topography was given. The flood plain will not be impacted, as construction will be on the other side of the building.
  - Discussion of stormwater management. A French drain would go around the building and outlet towards Kinny Creek.
  - Metal roof and metal siding on the addition
- CEO A. Backus - Noise is a concern and will be investigated by the applicant. CEO A. Backus would like to witness one of these generators in operation.
  - D. Andersen – if we can address the noise question, that will help to determine if a public hearing will be necessary.
- There will be less traffic than there was with the Vet Clinic, although more trucks.
- There will be one horse on site. CEO A. Backus – we cannot apply the same code about livestock when this is a necessary use for transportation. The plan should show the horse stable but should not need to comply with the code related to livestock (100' separation) because that does not meet the intent of that section.
- Buffering should be explored for the residential district border.
- J. Hershberger would like to transition the sales portion of the business as soon as possible
  - CEO A. Backus – this transition would be a change of occupancy classification and would be handled in-house with the Building & Zoning Department. With no changes outside, this would not necessitate site plan approval to get started.
- The Board looked favorably at the project; the uses are permitted within the district with site plan approval. The applicant was encouraged to proceed with the site plan application.

With no further discussion, Chairman Rick Bennett asked for a Motion to adjourn the meeting at 8:38 p.m. Motion to adjourn: M/2/C (J. Chamlis/R. Bennett) Carried 5-0

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Respectfully Submitted,  
Julie Holtje, Zoning Compliance Assistant