

LIVONIA JOINT PLANNING BOARD
December 12, 2022

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

Excused: CEO Adam Backus, Attorney J. Campbell

Agenda:

- 1) Accept and approve the meeting minutes of November 28, 2022*
- 2) Sarah & Laura Donahue – 3291 Plank Road, Livonia, New York – Tax # 67.-1-19.211 Subdivision*

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

1) Approve Meeting Minutes for November 28, 2022. Chairman Rick Bennett asked for a motion to approve. M/2/C (J. Palmer/J. Brown) approved as submitted. Carried 7-0.

2) Sarah & Laura Donahue – 3291 Plank Road, Livonia, New York

Chairman Rick Bennett asked Laura Donahue & Sarah Donahue, and Tim Otterstatter to come forward to discuss the proposed Subdivision. Chairman Rick Bennett asked the Board to review the memo dated 11/22/22 & revised 12/12/22 from the Building & Zoning Department regarding this application. The biggest issue with this application is the proximity to the wetlands and access management. The memo identifies that investigation needs to be done in order to mitigate potential issues with the wetlands. Conditions can be added to the application, and once the applicant has addressed and agrees with those conditions, the Board can proceed with the approval process.

The Board reviewed points from that memo:

1. The application is deemed complete, and you have been scheduled for the December 12, 2022, Planning Board meeting.
2. Please have the name “Richard G. Bennett” added to the signature line for the Planning Board Chairman
3. Please add the following subdivision notes:
 - Site plan approval is required prior to the issuance of a building permit
 - The Town of Livonia is not responsible for the quantity or quality of water.
 - Permit for the septic system must be obtained from the Livingston County Health Department.

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- New driveway location(s) must conform to Town of Livonia Access Management requirements and the proper permit obtained from NYSDOT.
4. We discussed that the shared driveway entrance is planned to be located at the property line between Lot 1 and Lot 2. Please show the proposed driveways on the subdivision map and submit an approved NYS DOT driveway permit prior to the scheduled meeting.
5. ***Please submit a more detailed concept plan showing the following:***
- ***Access for remaining lands meeting Article XV Access Management and approved by NYS DOT. This access shall be shown on the map.***
 - ***Cross easements for shared driveway entrance to be added to the map. Before a building permit is issued for either lot, a copy of the cross access/shared driveway easement and maintenance agreement shall be filed with the Livingston County Clerk's Office, and a copy supplied to the Building and Zoning Department.***
 - ***It appears a watercourse/drainage channel flows through the site and is associated with R5UBH below. Natural features such as these shall be shown on the subdivision map (Code sections 125-7 C. (10).***
 - ***This property contains or is in proximity to Wetlands PEM1E, PSS1E, R5UBH, regulated wetland buffer zone, and State regulated wetland check zone. Locations of these areas shall be shown on the subdivision map and may require field determination. Applicable restrictions shall be detailed on the map. It appears that the remaining land fronting Plank Road could be restricted due to the location of required buffer zones.***
 - ***Please add a note that grading and drainage plans shall be required with future building permit applications.***
 - ***Provide septic and water supply information and layout on the map for each lot.***
 - ***Wells and septic systems within 100' of property lines to be shown on the map.***

Chairman Rick Bennett asked what the future plans were for the remaining lands. Sarah stated that she & Laura own the entire parcel, and they would like to subdivide it so they can each build a home on it. They intend to use the remaining land as they have been using as a horse farm. Chairman Rick Bennett stated that it looks like it is currently used as pastures and a horse barn. To the south, where the horse barn is located now, there is plenty of room. The Board's concern is regarding the property to the north. We don't like to establish landlocked lots. You will need to determine how you are going to gain access in the future for the back Lot if you ever decide to sell the property. ZCA Julie Holtje noted information regarding the buffer zones and that it should also be investigated for safe access that meets Access Management and NYSDOT approval. The distance between the driveways is to be 330' due to the major highway. Site distances should be considered. Sarah stated that where they plan to put the driveway is almost directly across the street from the current driveway. Chairman Rick Bennett stated that it would be in the applicant's best interest to determine if they could do anything in the future with the remaining land. Jeanne Brown asked if a 60' right of way was needed. ZCA Julie Holtje stated

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that any lot must have a 60' minimum of road frontage, but the remaining lands shown is over 400'.

Chairman Rick Bennett stated he doesn't recall a maintenance agreement being required for only two driveways. Usually, it would apply to more than two lots. ZCA Julie Holtje noted that if in the future someone decides to sell, there will be no conflict on who will cover the cost of the driveway maintenance. Chairman Rick Bennett noted that it would be in the best interest of applicants to determine that now. Julie noted that an Easement is something the attorney could take care of for the applicant and reference on the map. It would apply to both Lots.

Chairman Rick Bennett reviewed that access to the remaining lands is optional, but the board highly recommends that they do that now. Cross Easements need to be made for the benefit of the applicant for lot 1 and 2. The rest of the items on #6 of the memo are required.

This Subdivision 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 waive the Public Hearing. Motion to waive: M/2/C (R. Haak/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 (J. Palmer/R. Haak) Carried 7-0

Chairman Rick Bennett asked for a motion to approve the Subdivision application with the condition that the items on the Memo dated 11/22/22 and revised 12/12/22, including #5, are complied with, except Access Management and noted on the map. Motion to approve: M/2/C (J. Brown/K. Strauss) Carried 7-0

The Board had a brief discussion regarding Article XV Access Management and how it relates to the Donahue Subdivision and Jerry Gilbert's proposal on Big Tree from the last meeting regarding Access Management, collector streets, shared driveways, and an Area Variance. Chairman Rick Bennett noted that the Gilbert application has its challenges because it's in a Neighborhood Residential District, it's a collector street, and it falls right by the speed limit change. There was a discussion regarding the Planning Board petitioning the Town Board to reduce the speed limit since the road is under Town jurisdiction. It is currently 45 MPH where Jerry's property is located and 30 MPH in the Village. Robbyn stated that the Board has the ability to deviate from the standards. ZCA Julie Holtje stated that it is possible per Code section 150-130 D, on advice from the Municipal Engineer and based on site-generated traffic or posted or operational speed limits in the vicinity. Chairman Rick Bennett suggested the Planning Board make a recommendation to the Town Board the reduction of the speed limit to 30 MPH up to the

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entrance of the Golf Course. The Board members agreed. There was also some discussion about sidewalks in this area. The comprehensive plan will be checked.

With no further questions, Chairman Rick Bennett asked for a Motion to adjourn the meeting at 8:05 p.m... Motion to adjourn: M/2/C (J. Brown/D. Andersen) Carried 7-0

Respectfully Submitted,
Alison Houk, Recording Secretary