

LIVONIA JOINT PLANNING BOARD
May 8th, 2023

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

Excused: CEO Adam Backus, A. Baranes, Attorney J. Campbell

Agenda:

- 1) Accept and approve the meeting minutes of December 12, 2022*
- 2) Sabrina & Dylan Backus – 5181 Backus Road, Livonia, New York – Tax # 92.-1-18.121
Subdivision*

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

1) Approve Meeting Minutes for December 12, 2022. Chairman Rick Bennett asked for a motion to approve. M/2/C (R. Haak/J. Palmer) approved as submitted. Carried 6-0.

2) Sabrina & Dylan Backus – 5181 Backus Road, Livonia, New York

PLEASE TAKE NOTICE that the LIVONIA JOINT PLANNING BOARD will hold a public hearing on Monday, **May 8, 2023**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Dylan & Sabrina Backus** for Subdivision approval according to the Zoning Code of Livonia. The proposal is for a one-lot Subdivision to create a 3.456-acre Lot with a driveway off Backus Road. The property is located at **5181 Backus Road**, Livonia, New York, and is zoned Agricultural Residential Conservation - 3 (ARC-3). 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.

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 opened the Public Hearing.

Chairman Rick Bennett asked Sabrina & Dylan Backus to come forward to discuss the proposed Subdivision. Dylan stated that his parents own the property and are requesting to subdivide the land to build a house for himself and his wife, Sabrina. This property has been in the Backus family for many years, and since he is the last Backus, he would like to build a home on the property.

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Chairman Rick Bennett stated that in reviewing the drawings, the proposed Lot is in the back, and to the north of the existing two-story home; they are proposing a driveway in the 60' wide part and on the south side of the metal barn. Dylan explained that the shorter distance to the new house would be from an easement across his parents' parcel, south of the metal barn. They are not proposing a second driveway in the 60' strip, but it is available if there is a future need for a driveway in that location. Robbyn Haak noted that on the Site Plan, both driveways say proposed. Dylan noted that they are going with the 30' driveway with an Easement. Chairman Rick Bennett asked if the Setback from the building to the proposed 30' driveway was okay. ZCA Julie Holtje stated that it was okay because it would be the same as an internal driveway with an Easement, but the driveway must be at least 10' from the neighbor's property line. The Easement is 32.6' wide. Jeanne asked if they were planning to build on the 3.456-acre parcel. Sabrina confirmed that was correct. Dawn asked if their family-owned parcel "B"? Dylan said Yes. Dawn asked if there were plans for a future building and where that driveway would be. Dylan stated that the whole property is willed to him, and they would have the other 60' driveway if they ever needed it. Robbyn Haak noted that the driveway could be shared. ZCA Julie Holtje noted that they would have difficulty making the wooded parcel off to the right a legal parcel because there would not be 60' of frontage. Chairman Rick Bennett stated that if they ever wanted to make parcel "B" a legitimate Lot, they would have to remove the metal shop building and increase the width of the driveway area to account for that.

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/J. Brown) Carried 6-0

With no one present, Chairman Rick Bennett asked for a motion to close the Public Hearing. Motion to close: M/2/C (R. Haak/D. Andersen) Carried 6-0

Chairman Rick Bennett asked for a motion to approve the Subdivision application as submitted. Motion to approve: M/2/C (J. Brown/J. Palmer) Carried 6-0

Chairman Rick Bennett asked the applicant to explain their business in Canadice and if the metal shop on Backus Road was part of that operation. Sabrina stated that the metal shop is used to start the projects, and the Canadice location was for finishing the items. Chairman Rick Bennett asked what their intentions were once they built their home on Backus Road. Sabrina stated that they plan to build a barndiminium home. The new shop will be connected to the new house. Sabina stated that they did a Home Occupation permit for the Canadice location. Chairman Rick Bennett stated that would also be the case here. The applicant would be required to obtain a Conditional Use Permit from the Zoning Board of Appeals for a Home Occupation. Chairman Rick Bennett noted that with a Home Occupation, there are no retail sales. ZCA Julie Holtje commented that we know the applicant is investing a lot in the house and want to make sure the applicant understands the process required to have the shop in the house. Robbyn Haak asked if they were planning on any retail sales. Sabina explained that it is just a shop and online sales. Customers request an item, pay beforehand, and only come when it is ready to be picked up. ZCA Julie Holtje stated that having customers come to pick up items is considered retail sales, according to our Zoning. Because the business is in an Agricultural Residential district, retail sales are prohibited. Sabrina noted that they often deliver items, and some are shipped directly to

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the customer. If they need to make adjustments to the business, they are willing to do that; they need to keep their business going.

ZCA Julie Holtje stated that the next step would be to apply for a Conditional Use Permit from the Zoning Board of Appeals. Then they would return to the Planning Board for a Site Plan review and approval.

Chairman Rick Bennett noted that Robbyn Haak mentioned a valid point, we have places on Decker Road and other Agricultural areas with retail sales. Julie noted that this has been a-void in the Zoning. A farm, defined by Ag & Markets, is a working farm that the public does not come onto. When you have Agritourism or Argi- business, which is relatively new and has grown from just a farm stand into a petting zoo or picking pumpkins, that becomes Agritourism or Agribusiness. We do not currently define these terms in our Zoning, but Town Attorney Jim Campbell is working on adding this. There was a meeting with the Town Board, and a new law is being drafted for Zoning Districts ARC-3 & ARC-5. Agritourism and Argi-business will be permitted use with a Conditional Use Permit and Site Plan review. Robbyn asked how that is different from retail sales with home occupations. There was discussion regarding retail sales and Agritourism and Agri-business. The Board agreed that this matter needs further consideration.

Julie informed the Board that we have a Telecommunication Tower application on Niver Road for a Planning Board meeting. She wanted to give everyone a chance to review the Zoning section on Telecommunications. We are working with two consultants and the Town Attorney to start the process. The applicant has not completed the Conditional Use Permit paperwork, so the clock hasn't started ticking yet. We have asked for an escrow upfront to cover our consulting fees. After we receive those times, we will schedule a Planning Board meeting. Julie said she would share the application on one drive with the Board members. Kelly asked how many Cell Towers we currently have. Julie stated that we have one in the Village and one on Cleary Road.

Dawn noted that at the Town Board meeting, they approved proceedings with an application for a grant to update the Comprehensive Plan. Chairman Rick Bennett noted that the Comprehensive Plan was always on the Website, but now it is no longer there. It would be nice if the Comprehensive Plan were added back to the Website. Being on the Website makes it much easier for everyone to review.

With no further questions, Chairman Rick Bennett asked for a Motion to adjourn the meeting at 7:52 p.m... Motion to adjourn: M/2/C (R. Haak/D. Andersen) Carried 6-0

Respectfully Submitted,
Alison Houk, Recording Secretary