

**LIVONIA JOINT PLANNING BOARD
LIVONIA JOINT ZONING BOARD OF APPEALS
JOINT MEETING
February 23, 2026**

Present:

Planning Board: Chairman R. Bennett, D. Andersen, A. Baranes, J. Brown, R. Haak, K. Strauss.
Zoning Board: Chairman M. Sharman, R. Bergin, D. Major, J. Prato, M. Thompson.
CEO, Adam Backus (Virtually), Zoning Compliance Assistant, J. Holtje & Attorney James Campbell.

Excused: J. Chamlis,

Agenda:

- 1) *Accept and approve the meeting minutes –
Planning Board Minutes
Zoning Board Minutes*
- 2) *Douglas Ricketts – Meadow Drive, Livonia, New York –
Tax # 75.14-1-3.258
3-Lot Subdivision – Public Hearing continuation.*
- 3) *Chester Girod – 5976 Price Road, Livonia, New York –
Tax # 83.-1-10.219
Site Plan & Conditional Use Permit for Home Occupation.*

Chairman Rick Bennett & Chairman Rosemary Bergin opened the meeting at 7:00 p.m. with the pledge of allegiance.

- 1) Approve the Planning Board Meeting Minutes from January 12, 2026. Chairman Rick Bennett asked for a motion to approve. M/2/C (J. Brown/D. Andersen) Carried 6-0.

Approve the Zoning Board Meeting Minutes from January 12, 2026. Chairman R. Bergin asked for a motion to approve. M/2/C (M. Sharman/D. Major) Carried 5-0.

- 2) *Douglas Ricketts – Meadow Drive, Livonia, New York.*

Chairman R. Bennett asked Douglas Ricketts and Eileen Moran to come forward for the Ricketts/Moran 3-Lot Subdivision on Meadow Drive. This is a continuation of the Public Hearing from May 13, 2024.

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Chairman R. Bennett: 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 the public if they had any comments.

- Murray Wingate, he is on the Comprehensive Planning Board and commented on how this project provides needed building lots.
- Tony Backus, asked if there was an approved drainage plan for the subdivision.
 - J. Holtje: stated that the drainage plan is approved, but what is lacking is an easement encompassing it, which continues to be a condition of approval for this project.

With no more comments from the public, Chairman Rick Bennett closed the public hearing, 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/J. Brown) Carried 6-0

Chairman Rick Bennett asked for a motion to approve the 3-Lot Subdivision application. Jeanne Brown made a motion to approve the 3-Lot Subdivision with the condition that proof of recording of the stormwater and water hydrant easements be provided on the final map. M/2/C (J. Brown/D. Andersen) Carried 6-0

3) *Chester Girod – 5976 Price Road, Livonia, New York –*

Chairman R. Bennett & Chairman R. Bergin asked Chester Girod to come forward for the Site Plan review and Conditional Use Permit for a Home Occupation.

Discussion:

- John Stein, 6300 Price Rd. – last meeting mentioned the amount of growth over the 2-3 years is 10%. Concerned about how many trucks will be in and out if the company grows 10% every year since there will already be 3-4 trucks a week.
- Rich Mistretta, 4735 East Lake Rd. – concerned about speed limit and trucks going down that hill/road
- Vicky B., 5865 Price Rd. – questioned the precedence for other businesses that are considered more industrial.
- Proposed hours are 7:00am – 3:30pm would eventually like to go to 7am-5pm.
- Fire at the previous belt shop; cause was a coal stove.
- Traffic confirmation – there will be trucks there daily which is mainly the UPS trucks on their daily route and then about 2-3 tractor trailers throughout the week. Trucks deliver during business hours.

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- There will be forklifts within the building for the loading dock
- Deisel generator inside the building that feeds power to building
- Groundwater, erosion, etc. would fall under the site plan review with the Planning Board
- R. Haak, are large quantities of fuel stored?
 - Power will be diesel generator with 275 gallon tank.
- R. Bennett confirmed the speed limit is 45 mph on Price Road. Driveway is 500-600 feet from the top of the hill.
- Proper fire protection is worked out in the building permit process. This meeting is about the use of the site.

With no further comments from the Board or the public, Chairman R. Bergin closed the public hearing, and the Board reviewed SEQR.

Atty. J. Campbell read questions 1-11 of the Short Environmental Assessment Form Part 2-Impact Assessment. No moderate to large impacts were identified.

Motion made by J. Prato to adopt the answers as official findings to SEQR. M/2/C (J. Prato/D. Major) Carried: 4-0

A negative determination of significance was determined. D. Major made a motion to adopt a negative declaration on SEQR Part 2. M/2/C (D. Major/J. Prato) Carried 4-0.

Motion made by D. Major to authorize the Chairwoman to sign SEQR Part 3 Determination of Significance. M/2/C (D. Major/M. Thompson) Carried 4-0.

Board discussion:

- Business hours 7am – 3:30 pm with future work until 5:00
- Deliveries – during working hours

The Board reviewed the criteria for the Conditional Use Permit.

- (1)** Will the proposed building or use be in harmony with the general purpose, goals, objectives, and standards of the Comprehensive Plan, this chapter, and, where applicable, Chapter **125**, Subdivision of Land? **Yes**
- (2)** Will the proposed building or hours of operation or use have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting public health, safety, and general welfare? **J. Prato: No, D. Major: Yes, substantially different from it being a residence, more traffic and different look. Substantially different kinds of traffic also. (1 No, 3 Yes)**
- (3)** Will the proposed building or use be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations? **Yes**

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- (4)** Will the proposed building or use be adequately served by essential public facilities and services? **Yes**
- (5)** Will the proposed building or use comply with all additional standards imposed on it by the particular provision of this chapter (150-17 B & 150-66) authorizing such use? **Yes, it will comply (1 no, 3 yes)**
- (6)** Have all steps possible been taken to minimize any adverse effects of the proposed building or use in the immediate vicinity through building design, site design, landscaping, and screening? **Yes, from the layout shown.**
- (7)** If appropriate, a performance bond or other suitable financial guarantee has been provided to assure compliance with the conditions of the conditional use permit. **N/A**

Chairwoman R. Bergin asked for discussion on the criteria:

D. Major: it comes down to whether this is markedly different than a residence, or if the use of the property is subservient to the use of the property as a dwelling, including appearance, traffic and noise. Is it different than the intent of the use of the property for a residence?

R. Bergin: discussion about the definition of home occupation

D. Major: if it weren't in an accessory dwelling, it would have to be 40%, but that rule doesn't apply, however he feels there is an intent that it fundamentally be a residence in appearance and usage. The size and the traffic generated makes him question that.

J. Prato: this is why we have a CUP, there can be conditions upon this.

M. Thompson: some conditions can't be nailed down, like the trucks

J. Campbell: You can impose conditions and if they are not met, then a violation can be issued. You can limit the number of truck deliveries. From a practical standpoint, you can't do that with UPS, Amazon or DHL because they are there all the time. As related to tractor trailer trucks, you can dictate time, within reason.

- Discussion about limiting truck routes. There is no basis to limits routes trucks can take. Shoreless Acres gets 2 tractor trailer deliveries a week. This is a County Road and under jurisdiction of the County Highway Department.
- Discussion about Fire in the previous business. CEO A. Backus- not concerned about the previous fire as it was from another building.

With no more discussion, Chairman R. Bergin asked the Board for a motion to approve or disapprove, with or without conditions, the proposed Conditional Use Permit for the Belt Shop Home Occupation.

J. Prato made a motion to approve the application for the CUP with the conditions:

- hours of operation Monday through Friday, 7am to 5 pm
- no more than 3 semi-trucks per week

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- semi-truck deliveries be during business hours.

Motion not seconded.

R. Bergin made a motion to deny the application based on the interpretation of home occupation. She believes this business is industrial in nature, reference Code Section 150-39 B. which states the Industrial District includes manufacturing and light fabrication, which this proposed business is. In her opinion this business belongs in an industrial zoned district.

J. Campbell: Asked the Board to revisit the conditions that were discussed on the 7 different criteria of 150-17 B. Of the 6 applicable criteria, one was in opposition to the application and the other 5 were in support of the application. The record needs to reflect upon what basis the application was denied. The one criterion that was answered in such a way as not to support the application was #3: *Will the proposed building or use be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations?*

You answered that it would. The record needs to reflect why the application was denied.

M. Thompson: the way the criteria are worded is not clear

R. Bergin: question 3, this is a manufacturing fabrication business that is being proposed and does not belong in an ARC-3. It belongs in an Industrial zone.

J. Campbell: In the context of these questions, let's discuss that further.

ZCA J. Holtje: This is an agricultural *and* residential district. We are looking at the characteristics of both of those, not strictly residential.

The Board decided to go over the criteria questions again, reading from the zoning regulations, not the paraphrased form in the applicant's package.

150-17 B. Conditional use permits. To hear and decide upon application for such permits as specified in this chapter. A permit for any conditional permit use shall be granted only if evidence is presented which establishes that:

(1) The proposed building or use will be in harmony with the general purpose, goals, objectives and standards of the Comprehensive Plan, this chapter and, where applicable, Chapter **125**, Subdivision of Land.

- *No, a building of this size is not secondary in use to the use of the home.* .

(2) The proposed building or hours of operation or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare.

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- ***No, it will have an adverse effect with truck traffic and safety of tractor trailers on a narrow hilly road. It will negatively affect the character of the neighborhood as the building size and scale and the truck traffic is out of scale with the neighborhood.***

(3) The proposed building or use will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations.

- ***No, size and scale is too large for neighborhood.***

(4) The proposed building or use will be adequately served by essential public facilities and services.

- ***Yes***

(5) The proposed building or use complies with all additional standards imposed on it by the particular provision of this chapter authorizing such use.

- ***No, it is not secondary or incidental as required by 150-66 C***

(6) All steps possible have been taken to minimize any adverse effects of the proposed building or use on the immediate vicinity through building design, site design, landscaping and screening.

- ***Yes, the applicant has done everything they could.***

(7) If appropriate, a performance bond or other suitable financial guaranty has been provided to assure compliance with the conditions of the conditional use permit.

- ***NA***

R. Bergin made a motion to deny based on the answers the Board has offered to Section 150-17 B, 1-6. M/2/C (R. Bergin/M. Thompson) (J. Prato Nay), Motion Carried: 3-0.

With no further discussion, Chairman R. Bergin asked for a Motion to adjourn the meeting at 8:33 p.m. Motion to adjourn: M/2/C (M. Thompson/J. Prato) Carried 5-0

Chairman R. Bennett asked for a Motion to adjourn the Planning Board meeting at 8:33 p.m. Motion to adjourn: M/2/C (K. Strauss/R. Haak) Carried 6-0

Respectfully Submitted,

Julie Holtje, Zoning Compliance Assistant