

Original
emailed to members 1/29/14

LIVONIA JOINT PLANNING BOARD

MEETING MINUTES

JANUARY 27, 2014

PRESENT: Chair R. Bennett, R. Haak, C. Casaceli, D. Simpson, J. Sparling, Code Enforcement Officer - A. Backus, Town Attorney - J. Campbell, Recording Secretary - K. Masterson.

EXCUSED: J. Palmer, D. Richards.

AGENDA: Approve the meeting minutes of January 13, 2014.

Chris & Dolores Cicero - "Wingates Party Barn"- site plan application

Chair Bennett opened the meeting at 7:03 p.m.

Chair asked board members to review the January 13, 2014 meeting minutes.

M/2/C (R. Haak/J. Sparling) to approve the January 13, 2014 meeting minutes with the changes as noted.

Motion carried 5-0.

Chair asked applicants Chris & Dolores Cicero to approach the board and explain their submitted application for site plan approval.

Chair asked Code Enforcement Officer Backus to update the board members on this application.

Backus told board that the Cicero's recently were approved for a Use Variance to have the party barn facility, located on Big Tree Road, with some conditions. The barn has been used for 20+ years as such but only 6-8 events per year. The Cicero's who now own the property had approx.. 29 such events last year which have increased the intensity of the property use thereby having greater impacts to the neighborhood, mainly the Lavery family next door. The Cicero's wish to have the property use in conformance with applicable Town Codes.

Backus explained this application is similar the recently approved party barn located also on Big Tree Road, owned and operated by Steve Gerould. That site plan approval did place some conditions upon that application, the impacts are very similar to both operations.

Backus also explained the proposed NYS Legislation to allow these types of uses as an accessory agricultural use such as the maple syrup industry and the wine industry. It is expected to be approved by the legislature with conditions this year.

Chair Bennett asked Backus what specific impacts were discussed by the Zoning Board Of Appeals.

Backus said there exists much confusion with the physical address of the party barn and the historical driveway entrance to the farm. The Lavery family now owns the Wingate farm house and unfortunately guests to the barn facility enter their private driveway causing much difficulty to their life. An address has now been approved by 911 so the posting and location of that address assignment on the Wingate driveway entrance should help. He did not know how long it takes GPS address systems to now identify the new address location for the Barn.

Backus said no other neighbors spoke of any difficulties. Additional signage, as a condition of the Zoning Board, will be placed along Big Tree indicating the correct driveway entrance. The Lavery's and Cicero's have agreed to try this, the signs will be put up for each event and then taken down.

Chris Cicero stated that he and Dolores are very sensitive to this impact upon the Lavery's and will try their best to resolve any issues they may have. If the signage doesn't work they will suggest a gate at Lavery's driveway to keep unwanted customers from entering their private driveway.

Chair Bennett asked the Lavery's to come forward and express their concerns.

They stated they recognize the Barn Facility has always been in operation there but that the number of events has now caused them difficulties. They are willing to work with the Cicero's in resolving these but fear the suggested agreed upon solutions may not work, they are keeping their fingers crossed. The music usually has no impact to them unless it's a DJ system which has a loud thumping base noise. The bands are not as loud and they do like to hear that type of music.

Just yesterday three guests cars pulled into their driveway thinking they were at the Wingate Barn facility. It is very difficult to physically separate the two properties now.

Dolores suggested they might add some arborvitae along the Lavery property line which would clearly delineate the two properties. She thought a gate might be a solution to resolve the driveway issue.

Backus said the Lavery's expressed to the Zoning Board that they really didn't want to see a fence installed along the property line but possibly the arborvitae might be more appealing and a better solution.

Bennett asked the Cicero's to explain their submitted plan which identified parking areas, lighting locations, dumpster location, overflow parking areas, driveway sign location, barn facility location and Lavery property line and their driveway location.

Dolores stated the barn has updated electrical, restrooms and a new front porch/deck. The dumpster is emptied weekly and not placed in an open view. When they rent out the barn for the events, the customers set up on Fridays, have the actual event on Saturdays, and clean up on Sundays. The hours for the barn party events end at 11 p.m. on Saturday nights. They have spent considerable money on preserving this barn.

Chair Bennett thanked the Cicero's and felt comfortable they will work with the Lavery's to resolve any issues. He said a public hearing was not required unless the board wanted one. It was the consensus that it was not needed.

Bennett asked board members to review the submitted part-two of the SEQR Form, specifically questions 1-11. All answered with No Impact associated with each.

Chair asked for a motion on SEQR: (R. Haak/D. Simpson) to declare a negative declaration on SEQR based upon the review of possible environmental impacts from the project and the discussions between the applicant and the immediate neighbor.

Chair asked for a motion on the Cicero site plan application: (J. Sparling/C. Casaceli) to approve the site plan application for the "Wingate Party Barn" with the following conditions:

- 1.) There shall be a one year review of the application and if needed, additional conditions and solutions may have to be imposed.
- 2.) The conditions imposed by the Zoning Board shall be adhered to.
- 3.) A minimum of three (3) directional signs shall be placed along Big Tree Road during each event.
- 4.) Cicero's will address neighbors concerns as both parties agreed to, as part of this site plan approval.
- 5.) Building Code requirements for issuance of building permit shall be met.

Motion carried 5-0.

Respectfully submitted:

Kevin Masterson

Recording secretary