

LIVONIA JOINT PLANNING BOARD
MEETING MINUTES
February 9, 2015

PRESENT: Chair R. Bennett, D. Simpson, R. Haak, D. Richards, Code Enforcement Officer A. Backus,

ABSENT/EXCUSED: J. Palmer, C. Casaceli, J. Sparling, Town Attorney J. Campbell,
Recording Secretary J. Brown

AGENDA: Approve the meeting minutes of January 26, 2015

- ***Wingate Party Barn-Chris & Dolores Cicero- 6679 Big Tree Rd., Livonia, NY***
One year review of operations under previous site plan approval from January 27, 2014

Chair Bennett opened the meeting at 7:05pm and asked the board to review the January 26, 2015 Meeting minutes.

M/2/C (R. Haak, D. Simpson) to approve the January 26, 2015 meeting minutes as submitted.
Motion carried 4-0

The Cicero's approached the board and supplied a few handouts to the board including some aerial view of the property to indicated different features of the property as well as a receipt for the water meter from Livingston County Water and Sewer Authority.

CEO A. Backus indicated that one of the requirements of last year's site plan approval was a one year follow up. A. Backus said that he has presented to the board the comments and concerns that are out there for review; primarily concerns brought forward by the Lavery's, whose house is next door to the Wingate Party Barn.

Chair Bennett said that from his review, he sees the biggest concerns for review are traffic and noise issues. He then invited the Lavery's to come forward to address the board with their concerns. Chair Bennett said that it appears that the Lavery's first concern of noise seems to be possibly mitigated because the Cicero's have agreed to direct the loud speakers inside the party barn away from the Lavery's house.

Dolores Cicero said that she has spoken with Steve Gerould, who owns the Twin Silos Wedding Barn down the road from the Wingate Party Barn, and Steve has utilized a decibel reading meter at the fence on their property line closest to the wedding barn. Dolores said that Steve Gerould met with his neighbor and came up with a decibel reading that they were both comfortable with and Steve tests the audio level before each event. Dolores said that she will start implementing a decibel reading meter at their fence on the property line, much like Steve has.

Cheryl Lavery said that using Steve's barn as an example is like comparing apples to oranges because Steve keeps his wedding barn doors shut.

Chair Bennett asked the Lavery's and Cicero's if they will come to some sort of agreement with experimentation with noise levels and implementation of a decibel reader of sorts.

CEO A. Backus said that he would caution them to not base it solely on decibels-suggests they use it more for a gauge and just make more of a judgment call. There's vibrations and all kinds of other variables that come into play.

Dolores said that her other concern is that when they start playing music it's around 6:00pm when there is a lot of other noise happening in the neighborhood such as traffic, and then by 10:00pm at night, the neighborhood is a lot quieter. The problem is though that music going across a field sounds a lot louder at 10:00pm than it did at 5-6:00pm.

Dolores said they have changed the location in the barn that the deejay will be located from the front, to the back of the barn. One of the doors will be shut all the time and the back door will only be open 3 feet.

Dolores said that she is only a phone call away from the Lavery's and during an event, should the Lavery's find that the volume is too loud, they can just call her and she will call the caterer and they will have the music turned down.

Dolores said starting next May, and another steward of the event will be alternating events to ensure that someone is always attending the entire event.

D. Simpson asked why the barn doors are open. Dolores said that part of the beauty of having a wedding at the party barn in the country is the view.

There is a consensus among the Cicero's and the board that the relocation of the speaker direction may have a major positive impact on mitigating the noise complaints.

Dolores said that in the beginning of April, they begin to clean the barns and get it ready, she will be contacting a local deejay to come and test out the audio levels.

Cheryl Lavery said that bands are actually preferable to deejays because there isn't as much bass and the bass is really the problem as it causes the most disruption.

Chair Bennett said that since the Lavery's and Cicero's have agreed to try to work through the volume issues, he moved the discussion to the issue with access to the party barn and the Lavery's driveway.

Dolores indicated that they've installed three directional signs before and after the Lavery's driveway. She acknowledged that the original signs were too small and she thinks that the misdirected traffic has been reduced because of the improved signage. Dolores acknowledged that the Lavery's are probably still getting some traffic in their driveway, but there's no way to say for sure that it's all of her traffic. She explained that because the Twin Silos Wedding Barn is just down the road, sometimes their vendors end up incorrectly at her wedding barn.

Dolores said that this year, they started handing out postcards to vendors and guests that indicate the only entrance and exit to the barn.

John Lavery asked the Cicero's if fireworks are standard and every wedding now. Dolores said that fireworks are never allowed at the weddings and events on their property. She added that they do allow sparklers.

John Lavery asked that the Cicero's move one of the directional signs about half the distance to the east to help mitigate confusion about where to turn.

Cheryl asked about the gate that was suggested last year if the signs didn't work. Chair Bennett suggested that we try moving the sign before implementing a gate, but recommended that the Planning Board reconvene sooner than a one year review, and that once the Cicero's progress a little bit into their "wedding season" to meet again to see how it's working.

Chair Bennett asked the Cicero's how they are progressing with the Water and Sewer department and obtaining a separate water source for the wedding barn. Chris Cicero indicated that he had initially reached out to Mark and the Livingston County WSA back in June but they had indicated that he needs an engineer report and Chris said he had not done any work on the project since then.

CEO A. Backus indicated that since the WSA is requiring an engineer report, it is likely that they see this as a change from a residential/agricultural use and that this needs to be squared away before the Cicero's go before the NYS Board of Review to try and obtain the sprinkler system variance.

Deborah Seelos (6720 Big Tree Rd.) asked if there's a written time that the music is supposed to stop and when the premise is supposed to be vacated.

CEO A. Backus said that it will be written in their operating permit, but for now the music is supposed to turn off at 10:30pm and the premises are supposed to be vacated at 11:00pm.

Cheryl Lavery indicated that she and her husband consider selling their home quite frequently, and they want to make sure that however the water lines are separated, that they are separated very clearly and that it won't impede the sale of their home.

Chair Bennett brought up the next point of discussion that is the gazebo that has been placed on the Cicero's wedding barn property that is close in proximity to the lot line they share with the Lavery's.

CEO A. Backus indicated that the code states a 120 sq. ft. structure may be placed no closer than four (4) feet to any property line. A. Backus indicated that the Cicero's went above and beyond that requirement and placed it at 8 ft., which is farther than the required 4 ft. minimum, but stated that the Planning Board should consider it's placement and what it's used for since this is part of a site plan. He said that he has spoken with Dolores and she said they have had only three ceremonies in the gazebo without speakers, so they are relatively quiet events.

Cheryl Lavery indicated that she does not really have any issue with ceremonies taking place in the gazebo, but said that it is difficult sometimes to put their lives on hold because there is a ceremony taking place outside. She said she feels that they are more than accommodating but acknowledged that there may be times that they can't pause their daily activities such as yard work.

CEO A. Backus said that he has met with both parties and welcomes them to talk to him at any point to voice concerns and that he also favors meeting early in the season rather than after the coming season to review if the proposed changes are effective. A. Backus also stated that it's

important to note that there will be a steward on site at all times to make sure the site plan is being adhered to.

Mike Guenther (4022 Woodruff Rd.) addressed the board and asked why a commercial operation was ever allowed in a residential district. He expressed his frustration that despite 40 acres being between the wedding barn and himself, he can still hear the music as if it was right in his bedroom.

He and A. Backus had a discussion about the history of approvals and why the wedding barns were permitted to exist.

Chair Bennett addressed the Cicero's and said that they have received comments and concerns and suggested compiling some guidelines for when they come before the Planning Board next. Chair Bennett suggested that they come for another review after the first four events of the season. This arrangement was agreeable to all parties.

Chair Bennett asked if there were any further questions or concerns and seeing none called for a motion to adjourn the meeting.

M/2/C (D. Simpson/ D. Richards) to adjourn the meeting at 8:00pm.

Motion carried: 4-0

Respectfully submitted,

A. Backus
Recording Secretary