

LIVONIA JOINT PLANNING BOARD
July 13, 2015

Present: Chair Bennett, J. Palmer, J. Sparling, R. Haak, CEO A. Backus, Recording Secretary J. Brown, J. Campbell- Town Attorney

Absent: D. Richards, D. Simpson, C. Casaceli

Agenda: (1) Approve the meeting minutes from June 22, 2015

(2) *Old Stumpblower Ciderworks, LLC*

Site plan approval requested to convert the existing building to a cider tasting area, gift shop, and fermenting station at **5901 Big Tree Rd., Lakeville, New York**

(3) *Bruce Beardsley*

Concept plan review for four (4) lot subdivision at **Meadow Dr., Livonia, New York**

Chair Bennett opened the meeting at 7:00 p.m.

M/2/C (J. Palmer/ J. Sparling) to approve the June 22, 2015 meeting minutes as submitted.

Carried 4-0

Recording Secretary J. Brown read aloud the legal notice:

PLEASE TAKE NOTICE that the LIVONIA JOINT PLANNING BOARD will hold a public hearing on Monday July 13, 2015 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Old Stumpblower Ciderworks, LLC for site plan approval according to Section 125-6 E of the Zoning Code Of Livonia. The proposal is to convert the existing building to a cider tasting area, gift shop, and fermenting station, located at 5901 Big Tree Rd., Livonia, New York. The property is zoned Gateway Commercial (GC). 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.

Chair Bennett invited **Eric Smith and Elise Bernard (Old Stumpblower Ciderworks)** to come forward to explain the request.

Eric stated that the cidery they are proposing is much like a winery but the focus is on hard cider. They will not be open too late into the night and they want to promote New York State products in the gift shop.

Chair Bennett asked A. Backus how this proposal falls into zoning.

CEO A. Backus stated that this proposal is within the Gateway Commercial district and allows for a retail operation. The production side of this proposal is where things might get complicated. He continued that since it is not mass production and secondary to the focus of retail sales it would be allowed with site plan approval.

Eric said when they are successful they will move production off site and increase the production then.

Chair Bennett opened the meeting to the public hearing portion for public comment.

Tim Holland addressed the board and said he lives across from Robin's Nest. He said that Big Tree Rd. is very busy in Lakeville and wondered if there would be enough room for tour busses. He also expressed concern about the noise factor that he feels will be added.

Eric responded they will be using the existing back warehouse and having two, 500 gallon holding tanks for the apple juice. They will not be crushing apples on site. He said the only waste they will create is yeast, which will be fed to a local worm farm. Eric also said the stainless steel tanks will be sealed to mitigate odor production. He mentioned how they have just under two acres of land so they will have enough room for tour busses. To address noise concerns, he stated they will be open from 12pm-6pm in the winter months, and 12pm-9pm in the summer months.

Tom Price address the board and said he owns the liquor store in Lakeville and has had issues with parking in the past. He also indicated that the town's water problem is paramount in the area where his liquor store is. He said the drainage will be worse with more blacktop.

CEO A. Backus stated that the proposal does not include any changes to the grade or blacktop or new buildings so they will not be impacting drainage.

Tom said he wanted an engineer study done to show what will happen to run-off and A. Backus reiterated that that is not applicable and we cannot make them make provisions for something they are not proposing.

Tim Whitford addressed the board and said he owns property from Vincenzo's pizzeria to the north. He asked Eric what the plans are for the north end of their property. Eric replied there are no plans.

Randy Tubiole (sp?) addressed the board as the individual who lives next door to the property in question. He said they share the driveway and has had issues with vehicles blocking the driveway in the past. He said he has grandchildren and is concerned with "rowdy drunks" and noise.

Elise replied there will not be anything like that-this is not a bar. They will be closed at 9pm at the latest in the summer months and people will only be coming to taste the cider.

Mike Parker (5894 Big Tree Rd.) address the board and said he just wants to point out there are cases in New York that have lawsuits against the local municipalities due to noised and disturbance. He said this is a busy area and wants to draw attention to delivery traffic.

Eric said the delivery will probably come by a ¾ ton van with a trailer.

Mike Parker asked if there was a spill plan in place. Eric said there is no spill plan because it's just apple juice.

Tim Barrett said he grew up near the Beachcomber and Eric keeps saying "for now" but what are the future plans.

Eric replied they will move when they grow and Elise said there are no plans to ever be like a bar- they will never be open later than 9pm.

Mike Parker stated the property to the west had plans to have an attorney office and retail shops but plans were derailed due to drainage issues.

Attorney J. Campbell said he is hearing lots of concerns of drainage but said that cannot be a point of concern because the applicant is not proposing any site changes that would impact drainage. If the applicant were to propose a site plan in the future that included grading changes or additional buildings, they would need to come back before the Planning Board at the discretion of the Code Enforcement Officer.

Tom Price asked that the town verify the applicants parking situation and proposal.

Christ Guenther asked what the alcohol percentage will be. Eric replied all their products will be 5% and 7% with the exception of one higher end product with an 11% alcohol content. Chris also asked how much hard cider would be allowed per tasting. Eric said 16 oz. is the maximum allowed per tasting.

Tim Whitford asked if their business will be totally enclosed in the existing garage where the old marina was. Eric replied, yes.

Chair Bennett closed the public hearing portion of the meeting.

Chair Bennett said the biggest concern brought forward this evening by the public was drainage, but that is a non-issue for this application because no grading changes or parking lot increases are being proposed. He continued that there would be no outdoor music and no issues with the deliveries and no odor or waste issues. A. Backus asked Eric what kind of lighting they have. He said they have two outdoor flood lights.

CEO A. Backus proposed we talk about outdoor storage, or limitations on such. Eric said the only outdoor storage they will have is one dumpster.

Chair Bennett asked if tree removal or a fence mandate a meeting in front of the Planning Board.

CEO A. Backus said that is usually a judgement call on his part but if there is something the board wants to stipulate, they can.

Attorney J. Campbell said any change is at the discretion of the code enforcement officer to make them come back for approval.

Chair Bennett and the board reviewed SEQRA. Negative Declaration was made (J. Palmer, J. Sparling) and carried 4-0.

A motion was called to approve the site plan under the following conditions (R. Haak/ J. Palmer)
No site plan modifications without coming back before the Planning Board for approval
Dates and hours of operation as follows: November 15th-April 15th from 12pm-6pm and April 16th-
November 14th from 12pm-9pm
Parking to be determined
No outdoor events or music or outdoor storage
Carried 4-0

Chair Bennett invited **Bruce Beardsley and surveyor Barry Carestio** to come forward and explain the request.

Barry explained that the board saw the concept originally last July 2014 and he understands this proposal needs to be reviewed for design criteria. Barry said when Bruce bought the property, the turnaround at the end of Meadow Dr. was roughly a 70' diameter and back in 1987 when the development was originally started it was only roughly a 50' temporary turnaround. Barry said these factors led to the proposed 70' circle. He also mentioned the sewer easement in the circle, dedicated to the Livingston County Water and Sewer Authority.

Ralph Parker interjected and asked for perspective, if this is different than last year's proposal. A. Backus replied that it is just a continuation.

J. Campbell said he, Mr. Beardsley, Town Supervisor Gott, Village Mayor Lathan, and CEO Backus met the previous week and it was decided that Mr. Beardsley would like to dedicate the circle to the village.

Barry said the process is they are presenting formally to the board tonight and then they will need to meet the acceptable design criteria according to the village engineer.

Chris Genthner said that they are waiting to hear back from the school and the fire department regarding the turn radius.

CEO A. Backus said we cannot comply with design criteria or fire code, they have inherited the situation of a non-compliant turn around. He said Clark Patterson will review and give feedback. Once we get a favorable concept then A. Backus has to get state approval for the proposal. He continued that drainage needs to be addressed with water pressure and volume.

Chair Bennett asked if that was our jurisdiction or rather the Water and Sewer Authority's.

CEO A. Backus said the water pressure needs to be addressed and need to ensure the water pressure does not diminish.

J. Campbell said the cheap and easy way to figure out feasibility for water pressure is to contact the Livingston County Water and Sewer Authority.

Chair Bennett asked who is responsible for the road surface. J. Campbell said the proposal is conditioned upon the design criteria.

Chair Bennett said the board is looking favorably on the proposal and likes that Bruce is working with a surveyor and engineer.

Bruce said he would complete 2" of dense binder and then put 1" of top on in a couple of years for the surface material on the circle.

J. Campbell said the village engineer will need to give feedback for turning around in the circle and this step needs to come first before surface material.

The Planning Board reiterated they have no issue at this time with the proposal.

CEO A. Backus recapped that they will need to hear back from the school and fire department regarding the turn radius and then we can proceed.

Chair Bennett asked if there were further questions and seeing none, called for a motion to adjourn the meeting at 7:45pm (J. Sparling/ J. Palmer)

Carried 5-0