

**LIVONIA JOINT PLANNING BOARD**  
**September 28, 2015**

Present: Chair Bennett, J. Palmer, D. Simpson, C. Casaceli, CEO A. Backus, Attorney James Campbell, Recording Secretary B. Miles

Excused: J. Sparling, D. Richards, R. Haak

Agenda:

- 1) **Approve the meeting minutes from September 14, 2015**
- 2) **Jeffrey Jamison Subdivision – 4780 Pennemite Rd.**  
*Divide off 22 plus or minus acres from the 53 plus or minus acres located on the south side of Cleary Road and to extend to the north side of Price Road.*
- 3) **Ron Munson – Finger Lakes Timber Co. 6273 Decker Rd.**  
*Site Plan Review at 6273 Decker Road, Livonia New York*
- 4) **Twin Silos – Steve Gerould**  
*Site Plan Review at 6768 Big Tree Rd., Livonia, New York*

Chair Bennett opened the meeting at 7:12 p.m.

1. Meeting Minutes for September 14, 2016 – Chair Bennett asked for motion to approve. M/2/C (J. Palmer/D. Simpson) approved as submitted. Carried 4-0

**2. Jeffrey Jamison Subdivision – 4780 Pennemite Rd.**

Chair Bennett invited **Barry Carestio** to come forward and review Jeffrey Jamison Subdivision. He explained that Jamison's own 53 acres plus or minus. Barry reviewed the survey print with the Board Members. Jeffrey Jamison is subdividing off 21 acres (Parcel 4A) plus or minus to Chris Cicero. Chris Cicero has been farming this land for several years. Barry indicated that there is a strip of land with access from Price Road which is part of 21 acres. This strip is approximately 100 feet in width, but the physical access to these 21 acres is off Cleary Road. CEO Adam Backus stated that at the last meeting the Board was unable to actually make a decision on this subdivision because the County had not made their decision. We have received a response from the County for local option. CEO Backus brought up that this subdivision also includes a parcel combination. Attorney Campbell stated that Parcel 4C needs to be combined with Lot 2, Jamie Henderson's Parcel on Cleary Road. Jim stated that if the owner of Lot 2 has not paid his property taxes they will not allow the combination. Attorney Campbell is suggesting that the Board put language in that approval that is contingent upon Lot 4C being immediately and simultaneously combined with Lot 2 and if that cannot be done then Lot 4C will be reabsorbed or combined with Parcel A (Jamison's Property). In order for this to happen a combination form will have to be filled out. Jim stated that if this was a lot line adjustment, the Board would not have to worry about it.

Chair Bennett asked the Board if they should have a public hearing.

Motion to waive public hearing: M/2/C (J. Palmer/ C. Casaceli) Carried 4-0

Chair Bennett and the board reviewed SEQRA. Negative Declaration was made: M/2/C (C. Caselli/ D. Simpson) Carried 4-0.

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Chair Bennett asked the Board if there are any further questions and/or discussion.

Motion to approve Jeffrey Jamison's Subdivision is subject to Parcel 4C being simultaneously combined with Lot 2 which is now owned by James Henderson and if not simultaneously combined with that then Parcel 4C will be recombined with Parcel 4A, Jeffrey Jamison's property. M/2/C (J. Palmer, D. Simpson) Carried 4-0.

**3. Ron Munson – Finger Lakes Timber Co. – 6273 Decker Rd.**

Chair Bennett asked the Munsons to come forward and Rick brought up a letter that was received from neighbors with certain issues regarding the Finger Lakes Timber Company on Decker Road. Chair Bennett stated that CEO Adam Backus has gone to Decker Road and asked Adam to report his findings. CEO Adam Backus stated that R. Haak, J. Sparling, and he went to Decker Road. Unfortunately J. Sparling and R. Haak were unable to be here tonight. He felt that it would be better to hear from Jack and Robbyn, just because they are on the Board. He indicated that they also went to Matt Graf's. Adam stated that Matt indicated that the noise level is not normal and that it was not up to the level of concern at the time. Adam didn't know if the noise level was weather related or caused by a different type of wood or size. Adam would like to set up another time when Robbyn, Jack and himself can meet again on Decker Road when the noise level was louder.

Chair Bennett brought up the items in the letter that were issues. He suggested going through the items one at a time. The first item is there was opposition to the office trailer, but the Board did approve. The Munsons stated that they are going to side the trailer. The next item is the dirt pile. Chair Bennett asked CEO Backus for his comments. CEO Adam Backus stated that there is a pile of slab wood and in recent pictures he has noticed that some has been cleaned up. Adam stated that there is still slab wood there along with tires, but the topsoil pile has been reduced. The pile has not grown and there has been an attempt to reduce the pile, but very slowly. Ron wanted to know why the dirt pile was an issue. Chair Bennett and Adam stated because you agreed to take care of it.

Chair Bennett brought up the fence. CEO Adam Backus informed the Board that the fence is falling down and the Munsons know that and have said they will repair it. Adam indicated that the Munsons have a few challenges to handle to take care of the fence. Ron stated that the fence will be addressed. Chair Bennett told the Grafs that if they had any comments to feel free to speak up. Chair Bennett expressed that fence and trailer should be addressed within a short period of time and keep progressing on getting the dirt pile taken care of and also set some guidelines as to when these items will be completed. Ron Munson stated that they have been combining the dirt with mulch/bark and they are able to sell it that way and they usually can get rid of about a half a load each time. Chair Bennett asked about the fence, Ron stated that the fence will take work and money. The lumber market has slowed over the past months and they are trying hard to tread water. They are confident that the market will come back. Ron stated that there are four sections out of fifty sections that are bad. Due to the drainage issue, pipes being plugged under the road it loosened the soil around that section. They brought a backhoe in to dig a ditch to let the water drain to a different area and in the process of digging the ditch it weakened the post and wind came up and blew four or five sections down. The Munsons agree that the fence needs to be addressed but they want to make sure it is done properly. Ron stated that they will have to dig down, pour concrete to form a better base also allowing for proper drainage. Matt Graf stated that the fence fell over in April and the water problem was in June. Mrs. Graf stated that the fence has been down at least four months. CEO Adam Backus stated that the fence needs to be addressed.

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Chair Bennett brought up the issue of the windows and doors being open all the time. Matt Graf stated that originally the doors were supposed to be closed, but now they are open. Chair Bennett stated that the prior conversation was that doors and windows will be kept closed to help alleviate noise issues and the Munsons agreed, they would handle noise issues. Chair Bennett also indicated that there has been a problem with doors being raised and lowered. The doors being jammed up with sawdust or something to that affect. Munsons stated this issue has been addressed. The Munsons were asked about the windows being open. Ron stated that windows and doors are closed during operation. CEO Adam Backus stated that it appears that the doors are never totally closed. The Munsons stated that doors need to be open a little to allow for ventilation. There was discussion regarding the level of impact on the residences of the surrounding neighborhood due to the noise with the windows and door being open. CEO Backus stated that the point is that there is a noise issue and it needs to be addressed.

Chair Bennett brought up the saw mill, debarker, and possibly a generator. CEO Adam Backus stated that R. Haak and J. Sparling did go to the lumber mill to observe, but unfortunately were not able to be here tonight. Adam also asked the other board members to go to Finger Lakes Lumber and observe for themselves. On the day Adam was there the noise was not too bad. Chair Bennett stated again that as the issues are discussed there will be no decision made today. CEO Backus stated that he can hear the debarker running from his place on Coe Road. Ron Munson stated that this is the first time he has heard that the generator was a noise issue. Chair Bennett invited the Grafts to come up so the Board can get their take on this. Chair Bennett stated that each party has a different understanding on these issues being discussed and each party will need to work together to come to an agreeable solution. CEO Backus would like to mitigate these noise issues. Matt Graf stated that originally when this mill was established there were to be no open windows or doors in the mill at any time, but the windows and doors are open all day every day. CEO Backus asked if they thought the reason the windows and doors are open is because of the need for fresh air. Matt stated that in the winter the windows and doors are closed. Matt stated that if they ran all the time like they did the day Adam was doing a site visit, they would have no problem. There was discussion regarding using the chipper and any possible ways of making it quieter. Ron Munson stated that on the day that Adam was at Matt Grafts house they were running every piece of equipment that they use at the mill. He stated that he doesn't understand why one day is louder than another. Chair Bennett explained that sounds can be louder some days rather than others due to different variables. Chair Bennett stated we need to address those days where the noise is really loud. Chair Bennett also stated that because the lumber mill is in a residential area there has to be more consideration on the lumber mills part. Aaron went over the schedule on when the chipper and debarker are being used. The Munsons agreed that the debarker and chipper are very loud. Aaron asked Adam if he has talked with Mike across the road, because no other neighbor has complained. Matt Graf agreed that maybe Adam should talk with Mike

Chair Bennett asked when the Munsons will side the trailer, take care of the fence, and the dirt pile. He asked the Munsons to see how they can address the windows and door situation. The Board wants to see and hear a time line. He asked the Munsons to come back to the Planning Board toward the end of October with solutions and a timeline. CEO Adam Backus stated that if something doesn't work, try something else. Adam indicated that he will keep working with Matt Graf on site visits for regarding noise issues from the debarker and chipper. Don Richards stated that the ground will be frozen within the next couple of months so these issues need to be taken care of. Everyone agreed that they would meet in late October and the Munsons will have solutions. Matt Graf stated he would text Adam when the Munsons were using the chipper and debarker so that Adam could come and check the noise level.

Attorney Campbell suggested that maybe as a solution the Munsons could ask the neighbors if there was a better time to run the chipper and debarker. Ron stated that was not possible due to the different size of logs and space that can be filled in the mill. When the area is full we quit debarking and when that area is

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empty that is when we run the debarker. Aaron stated that we usually know when we are going to use the debarker, so maybe a half hour prior to running the debarker we can call Adam and let him know so maybe if he is available he can observe the noise volume. Don Simpson made the suggestion that if the Munsons approached the Grafts to attempt to schedule their work more to the Grafts schedule maybe this might make things a little better and Chair Bennett stated that if you set up a protocol and document this attempt this would show that the Munsons are trying to come up with a solution. Chair Bennett asked the Munsons to come back to the October 26, 2015 Planning Board Meeting with possible solutions and timelines to address the issues talked about tonight.

**4. Twin Silos – Steve Gerould - Big Tree Rd., Livonia, New York**

Chair Bennett asked Steve Gerould to come forward to discuss issues with the Twin Silos. Chair Bennett asked how many of the Board Members have been to Twin Silos during a party. CEO Backus stated that unfortunately he went up when it rained, it was difficult to hear and the music stopped early at 10 p.m. R. Haak and Jack Sparling went up, but neither one of them could make tonight's meeting. D. Simpson stated he stopped but it was early one evening and Chair Bennett stated he walked the Wingate site and the Twin Silos. R. Haak talked with CEO Adam Backus about her visit and Adam stated that he did not feel he got a real true impact of the noise because of the rain and the music stopped too early. Chair Bennett asked Steve where they setup the band or DJ. Steve stated that the music is supplied 99% of the time by DJs and there were a few bands but now we only have DJs. The DJs are setup against the wall facing east and the Gerould's stated that placing the DJs facing east is a change to hopefully help with the noise issue. Steve stated that 99% of the changes the Wingate Barn have done to appease their neighbors the Geroulds have already done to help the noise situation. Chair Bennett stated that the Twin Silos basically have the same type of situations that the Wingate Barn has had in the past with the deck and the doors opening out. Chair Bennett stated the sound, lights, and parking lot is an issue.

Chair Bennett asked if anyone has checked the parking lot out. Steve stated that he has looked at the parking and there is no way the lot can be moved to the back of the barn. There is a lot of complications to move the lot and he believes it would cause a bigger traffic hazard. Attorney Campbell suggested keeping the handicapped parking where it is and Steve stated that is what he means, but everyone would pull in there and then turn around to go back out on to the road to pull in the other driveway to pull behind the barn. There is a steep bank where the Geroulds will have to build stairs for the guest to climb, there will be lighting issues and it would be a mess. Chair Bennett agreed that there is a steep bank near the back of the barn. Steve indicated that truthfully there is no real noise coming from the parking lot. CEO Adam Backus stated that when he was standing by the fence there is laughing and noise coming from the deck and parking lot. His thoughts are that if the parking was not where it is now, it would go a long way in improving the noise. It was agreed that the most noise is when the guests are coming and going. CEO Backus summed it up by stating the problem is with the location of the parking lot due to people coming and going and the deck when people are going in and out of the barn, noise carries to the neighboring residence. Adam suggested a berm and vegetation to help as a buffer for the noise. Steve stated that he did not believe it would help and Chair Bennett stated that due to past experience he disagrees. There was discussion regarding certain vegetation helping as noise barriers, not perfect but they help. Attorney Campbell commented that with mitigation and a combination of vegetation and a berm does help the noise issue

Steve indicated that he called a sound specialist in and this person stated that the noise is coming from the deck and we would have place a fence 15 feet tall to help with the noise. This person indicated that vegetation will take eight to ten years to make a difference. Steve stated that a reasonable solution is that he can put sound absorbing baffles in the ceiling of the deck and this sound person stated that this will make a bigger difference than any other solution. Attorney Campbell asked Steve what type of ceiling he

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is referring to. Presently it is a metal ceiling at a 7 ½ foot height which causes the noise to hit the metal ceiling bounce down and out to the neighbors. The baffles are supposed to absorb that noise. Chair Bennett also stated that the noise is also bouncing off the walls and out to the neighbors. This sound specialist has told Steve this is the best way to handle the noise issue and Steve wants to do this. Chair Bennett explained that the Wingate's shut down the subwoofers one evening and it made a lot of difference in the volume. Steve stated that the music is not a problem anymore. Frank Seelos stated that three weeks ago the music was pretty loud, he asked if they were using subwoofers. The Gerould's stated that they do not use of the subwoofers but sometimes the base can be quite loud. Frank complimented the Gerould's, they are really trying to appease the neighbors, but his situation is not the same as his neighbors. Attorney Campbell asked if the covered deck is always open. Steve indicated that there are tent sides that can be down, but on nice warm days the guests want the sides up. Attorney Campbell asked if there is something that can be put up at least in the direction of your neighbors. Steve indicated no nothing other than the tent sides.

The suggestion was made to plant arborvitaes and Steve stated that they can put them on his side of the fence, but it will take years for them to grow to a size that will be helpful. CEO Adam Backus indicated that Andy English has access to mature spruce that could be planted and would make a great berm. Adam stated that there is an opportunity to get this taken care we want to be able to control this situation rather than it reaching a boiling point. CEO Backus informed everyone that he has met with Dave for 50 minutes and they had a very good discussion and Adam saw positive response if things can be improved. Adam saw where Dave could be satisfied as long as some things are done to mitigate some of the noise. Attorney Campbell stated that the business is located in a residential neighborhood and any practical noise mitigation needs to be explored.

Chair Bennett asked about the berm and the fact that it doesn't need to be the full length of the fence. Chair Bennett suggested that when you are standing on the deck and you are looking at Dave's house, you could put a berm at that point; it would reduce the noise and block light from shining into their bedroom. The Geroulds stated they could put some sort of tree/berm that would serve as a barrier. Chair Bennett indicated that this action would show them that you are trying to mitigate the noise and lights. Chair Bennett also asked about the tent sides being up during the day and suggested that the sides be put down after dark. Steve stated that it was not that easy to lower the sides. There were several suggestions and discussion about different materials that could be used to cut down on noise. The Geroulds suggested planting trees along the parking lot. Chair Bennett stated that the parking lot is very close to the neighbor's line and he asked if there was any way the Geroulds could take out one lane of parking and move that parking somewhere else. Steve stated that would not be possible, they would have to make the parking spots narrower and they would lose spots that way.

CEO Adam Backus indicated that Dave needs to know that people are listening. Adam also stated that the Geroulds have worked well at getting things done, even before anyone has asked them to. Adam wants to meet with Steve at the parking lot and go over the challenges that Twin Silos face. Adam stated that he thinks the parking lot is an issue and if he can meet Steve there and he can see what Steve is talking about.

Attorney Campbell stated that the real solutions in these kinds of situations are those where you can sit down and work things out. Gerould stated that he is prepared to have the ceiling baffles installed before next spring. CEO Backus wants to meet with Dave one more time. Steve stated that he would like to propose to meet with Adam and Dave to hash things out and he will make sure that those changes are implemented by next spring (2016). Chair Bennett stated that the Geroulds have some solutions and they can meet again with the Planning Board again before next season. The Geroulds stated that their new season will start in May 2016 so the Planning Board can stop in any time prior to the next season and

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check things out. CEO Adam Backus will meet with Steve at Twin Silos tomorrow, Tuesday, at 10:00 a.m. regarding the parking lot.

Motion to adjourn the meeting at 8:50 p.m... M/2/C (J. Palmer/D. Simpson) Carried (4-0)

Respectfully Submitted,

Betty Miles  
Recording Secretary