

**LIVONIA JOINT PLANNING BOARD**  
**MAY 9<sup>TH</sup>, 2016**

Present: Chair R. Bennett, R. Haak, J. Palmer, D. Simpson, J. Sparling, D. Richards, CEO A. Backus.  
Excused: C. Casaceli, Attorney J. Campbell, A. Houk.

Agenda:

- 1) Approve the meeting minutes from April 25<sup>th</sup>, 2016*
  
- 2) North Shore Grill – 5870 Big Tree Road, Lakeville, NY 14480  
Modification to previous Site Plan Discussion.*

***Chair Bennett opened the meeting at 6:57 p.m.***

1. Chair Bennett asked the Board if they have reviewed the meeting minutes for April 25th, 2016. Everyone stated they had and Chair Bennett asked for a motion to approve. M/2/C (J. Palmer/D. Simpson) approved as submitted. Carried 5 - 0

Chair R. Bennett opened discussion for the North Shore Grill.

CEO A. Backus started the discussion by stating that the new prospective owners, Allison DiMarco, Andrew Penner and Derek Robertson came in for a meeting to discuss their plans moving forward and to find out if there were any obstacles that they should be aware of so they have a clean slate to start with. He felt that there was enough of a change to warrant a Site Plan Review Modification, specifically a deck/roof extension. Things have evolved since the Cole's final approval such as the Tiki Bar and the music growing earlier in the week. They wanted to make sure we have a clear understanding of what they are planning to do and make sure they have a clean slate to start with. They have explained some of the changes, and some of the interior changes don't have to do with Site Plan but I think it helps the Board get a better picture of what they are trying to do and the operation they are planning to run. Chair Bennett asked the Board if everyone had a chance to read the memo and he opened the meeting for discussion.

D. Richards asked if their proposed changes were going to have an effect the interior of the restaurant in order to keep the noise down. Allison DiMarco stated that Andy Penner has met with their General Contractor, Jim Spelman regarding this matter. A. Penner stated that according to Jim Spelman, the noise can be equalized with enough Sound Panels. The entire dining room ceiling would have acoustic sound panels installed which would cut down on the echoing and reverberation of noise. Also softening up some of the flooring and interior such as the laminate flooring, tile and brass which contributes to the noise level. D. Richards stated that when there is a full crowd it becomes extremely loud. A. Dimarco stated that there were previous efforts to help control the noise and they plan to continue to make improvements to address the noise issues. She stated that their plans are to convert the atmosphere from fine dining to more of a casual and comfortable atmosphere. A. Penner stated that they want people coming in with shorts and sandals, boaters and people coming from the city to feel comfortable coming to the restaurant. They plan to offer a wide variety and price points to accommodate year round residents and people vacationing in the area that would like higher end entrees. D. Simpson asked how parking was going to work out. A. DiMarco stated that they were concerned about the parking. They are planning to lease the over flow parking lot across the street which is owned by Mike Sharman. There are 56 parking spaces at the restaurant and 16 Boat Slips. She is not sure how many spots are in the leased over flow lot across the road. It was their understanding that employees of North Shore were parking at Vitale Park to help with the parking issues. They wanted to know if that was acceptable in addition to the street parking as there were not any "No Parking Signs" for that area. A. Backus stated that parking on the road is a Department of Transportation issue and felt it would not be appropriate for parking on the street.

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It could create a dangerous situation, creating limited visibility for people pulling out of the restaurant. R. Haak commented that she felt it would be an issue and agreed it would be dangerous to park on the street. R. Haak also reminded that the Planning Board did not allow the Three Legged Pig patrons to park on the side of the road. A. Dimarco stated that they have observed parking on the side of the road during the concerts held at Vitale Park. She felt that the parking issue was something that does require conversation to sort it out. A. Backus said he would look into the parking at Vitale Park with the Town Board. A. DiMarco said that on an average Friday night they would have at least ten employee cars. She stated that they are paying a premium to lease the parking area across the road. In addition to them personally financing this property, Wells Fargo Bank will be financing and she feels that the parking situation is going to be an issue with their bank. She is aware that others who have been interested in purchasing the property have experienced issues with the bank because of the lack of municipal parking. They also didn't like the lease for the additional parking property, they wanted to require that property be purchased not leased. A. Backus asked if they had discussed the leased parking property with the owner Mike Sharman. Yes, Andy had spoken with Mike Sharman who was very positive and he is willing to continue leasing the property to them at an increased rate from what the Cole's were paying. There was discussion about parking in Vitale Park. J. Sparling stated that the only control they would have would be with the employee's not the patrons. A. Dimarco asked if there was any other municipal parking in that area. A. Backus said he would look into Vitale Park and the parking there. There may be some conflicting times when they have events going on there that may limit parking. D. Richards stated that the park officially closes at ten o'clock. A. Backus stated that parking is an issue and working out an acceptable deal for the parking lot across the road with M. Sharman is a priority. A. Penner stated that the discussions with M. Sharman sounded very promising. M. Sharman said that is what the area is being used for now, and would continue to lease the parking property for the next three to five years. A. Backus stated that in order to get off on the right foot with the neighbors, noise is a big issue. Neighbors located on Wilkins Tract have complained in the past because the noise has traveled across the water. There seemed to have been an uprising with neighbors against the restaurant because of the noise. Once someone gets a bad taste in their mouth they want to complain to their neighbors and you end up with a group of resistance. A. Backus wanted to point out that the noise is an issue and that is what we would most likely get the most complaints about. A. Backus stated that he has received complaints in the past for the loud music. Certain types of music or the use of sub-woofers have proven to be a problem in other venues. There may be things that could be implemented to cut back on any unnecessary noise. A. Dimarco & A. Penner tried to meet with the neighbors to the east and west but they were unable to confirm the meeting. A. Penner stated that there are several types of music they could offer without having the loud drums. Acoustics or three piece bands for example. They don't plan to open a business and be absent owners, they will be there and will have at least four other people they have worked with for over twenty years with managerial experience with employees, atmosphere and environment. They are very much in control and want this to be a destination experience instead of just eating the food and leaving. They want to have a place that Lakeville, Livonia, Geneseo can be proud of and attend. Their focus is on the customer's experience rather than boozing, doing shots and listening to loud music until 2 a.m. J. Palmer stated that the other issue the neighbors were complaining about was dumpster trucks and delivery trucks. A. Penner stated that they are in constant contact with Matt Cole. He has been very willing to share with them what he has learned, what has worked, what hasn't. The incidents with the lady and the truck, the dumpster trucks, he has been very forthcoming with them. A. Dimarco stated that it really is a setback to the property that there is really not a good way in or out of the property for delivery trucks. J. Sparling asked what they were looking at for a startup date. They are hopeful for August 1<sup>st</sup> but it could be September. Throt numbers are projecting a September date to open. They have at least another four weeks before closing on the property. D. Richards asked if the change to the kitchen interior was going to be within the existing foot print. They will be bumping into a section of the dining room that was never used to expand the kitchen but it will be within the existing blueprint. A. Dimarco stated that they felt one of the biggest downfalls was that the dining room exceeded the current kitchen space and it has very little preparation space.

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The next discussion was regarding the roof. A. Dimarco stated that they had looked at plans for adding an actual roof to the outside seating area. How the windows are and how dark it would make the dining area they decided against adding a roof. They are now looking into awnings like those used on Ocean Restaurants, but have not received the quote on that yet. Depending on the cost, they would at least like to cover the center of the deck on the back of the building which is about thirty feet. They are looking at the strongest awning they make with retractable steel arms that pulls itself in and out with wind meters built in. J. Sparling stated that if you have poles that you can anchor it to, it will be able to withstand more wind. A. Backus asked if it was just the darkness that they were opposed to having a roof. Architecturally it's an issue because of the big round window which would have to be moved up. They have had a couple of contractors look at it and it's a bigger project than they originally thought. Because the way the roof comes out, the contractors wanted to put a double roof to make it look lower or extend the whole roof line. Since that would put the roof at eighteen feet in the air, it would defeat the purpose. The purpose for the roof or awning is to provide shade not necessarily to protect patrons from the rain. At this point they leaning towards the awning but after more details they may go back to considering the roof. A. Dimarco asked if they find out that the awning is going to cost too much and they decide to go with the roof, do they need Planning Board Approval. Could they just obtain a permit from Building & Zoning to proceed with the roof. A. Backus stated that since the Planning Board has had the discussion and knows it could go either way, they would give their approval on whatever concept they decided to move forward. D. Richards stated that as long as A. Backus approves it the Board will accept their decision. Chair Bennett stated as long as they don't go past the original design foot print. A. Dimarco confirmed that the Deck is included in the foot print. A. Backus wanted clarification on the original music night compartmented to what it turned into and making sure everyone was made aware. Chair Bennett stated that the previous discussion with North Shore was about the sound, but not about the days of the week for the music. He would assume that 11pm was still the cut off for the music that would still carry over. A. Dimarco felt that the Cole's had stopped the music around 10pm. A. Backus went back to the meeting minute notes from 2010. The discussion about the music was that they were not targeting a twenty year old crowd, they were looking for dinner music. Plans were to have bands play until 11pm on Friday and Saturday nights. The minutes stated that was their plans, but doesn't indicate if that was what they were limited to. Regardless, if they were operating on Wednesday's and that is what has been happening, I don't think that has been an issue as much as it was the volume. He felt that A. Dimarco & A. Penner wanted to be able to leave this meeting knowing if they can have music on Wednesday or Thursday nights. J. Sparling asked that when there were complaints about noise did the neighbors request not have music on Wednesday's or any particular night. A. Backus said that he was not aware of it being on any particular night only about the noise booming off the property. He suggested that they could leave it open and see how things go. Chair R. Bennett stated that if there are a number of complaints about week night music then that will require them to come back for further discussion with the Planning Board. J. Sparling asked if the North Shore was having music Wednesday, Friday and the weekend. A. Backus stated they were originally going to do Friday & Saturdays then it turned into having music Wednesday through Sunday. J. Sparling noted that on occasion he would notice that the North Shore would have music playing when Vitale Park had concerts. A. Dimarco stated that they had noticed that as well. A. Penner stated that they would not plan to do that but instead they would support when Vitale Park was having music. Chair R. Bennett confirmed that the Board was satisfied with the seating and music.

The next issue was the Tiki Bar. A. Backus stated that he considered the Tiki Bar pre-existing and it has never been brought to his attention that it has been a problem. Chair R. Bennett asked what the reference was to a permit. A. Dimarco stated that it was pertaining to the Liquor Authority. A. Penner confirmed that the Liquor Authority is aware of the Tiki Bar and it has a seasonal permit to serve liquor and is considered a point of sale. A. Dimarco stated that the Liquor License they are applying for will need the Town of Livonia to sign off on it. A. Backus stated that he was aware that in other instances and he would provide a letter to the Liquor Authority. The letter would state that it is an approved use relative to zoning and there are no violations. A.

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Dimarco stated that they are required to obtain an affidavit from the Town when applying for a new Liquor License. Chair R. Bennett commented that replacing the wood Fire Pit with a gas Fire Pit is not an issue. Outdoor lighting is existing and the current sign will be resurfaced and used with no major changes on those issues. As far as the cottage is concerned, it doesn't have anything to do with the restaurant issues. A. Backus reminded that if they plan to change the fire pit over to gas, he would need the manual with the UL listing so setbacks can be verified. Gas piping and actual model would also be needed in addition to in the installation manual for the fire place. A. Backus stated he would draft a summary of this meeting which would serve as a modified site plan review proving there is no structure added to the front. This would include a clause stating if there were any issues with noise that it could be revisited. Chair Bennett confirmed that this is an existing use, they are not changing the foot print and the use is not being altered in any form. The only issue would be the structure of the roof or awning but as long as it's an approved design it will be acceptable. A. Backus stated that this meeting was the opportunity for A. Dimarco and A. Penner to be aware of any issues and provide their plans before they proceed with their purchase of the property. Chair Bennett stated that the Board has no issues with what has been going on in the past. The only issue was with noise. The timing of deliveries, the music and what nights there will be music. R. Haak stated that in the past there were issues with the parking and people were parking in Besco Electric parking lot. A. Backus suggested that moving forward, starting out on the right foot as far as parking and noise is critical. A. Dimarco and A. Penner stated they thanked the Board for their time and help and they are excited for the opportunity to be a part of Conesus Lake.

Motion to adjourn the meeting at 8:00 p.m... M/2/C (R.  
Haak/J. Sparling) Carried (5 - 0)

Respectfully Submitted,  
Alison Houk, Recording Secretary