

**LIVONIA JOINT PLANNING BOARD**  
**JUNE 13<sup>TH</sup>, 2016**

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

Excused: C. Casaceli

Agenda:

- 1) Approve the meeting minutes from May 9<sup>th</sup> & May 23, 2016**
- 2) James & Joyce Willard – 4439 Federal Rd. Livonia, NY**  
*Discussion regarding proposed subdivision.*
- 3) Michael & Melody Wallman – 7 Meadow Dr. Livonia, NY**  
*Discussion regarding proposed subdivision.*
- 4) Munson's Timber – Aaron Munson – Decker Rd. Livonia, NY**  
*Discussion & status update.*
- 5) Steve Gerould/Twin Silo's Wedding Barn – 6758 Big Tree Rd., Livonia, NY**  
*Discussion & status update.*

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

1. Chair Bennett asked the Board if they have reviewed the meeting minutes for May 9<sup>th</sup> & May 23rd, 2016. Everyone stated they had and Chair Bennett asked for a motion to approve. M/2/C (D. Richards/R. Haak) approved as submitted. Carried 5 - 0

**2) James & Joyce Willard – 4439 Federal Rd. Livonia, NY**

Chair Bennett invited the person representing the Willards to come forward and explain to the Board what their proposal is. Jim Willard and Mike Sharman came forward. M. Sharman stated that the Willards are requesting a 2 acre subdivision. Chair R. Bennett asked CEO A. Backus if he had reviewed the drawings to insure everything was in order. A. Backus stated that yes he has reviewed the drawings. Chair R. Bennett asked the Board for any questions. There were no questions from the Board.

Chair R. Bennett asked the Board about a public hearing. Motion made to waive the Public Hearing. M/2/C (J. Palmer/R. Haak)  
Carried: 6 – 0

Chair R. Bennett and the board reviewed SEQR. A motion was made to accept the findings and declare a Negative Declaration. M/2/C (D. Richards/R. Haak) and carried 6 – 0.

Chair R. Bennett asked the board for an approval of the subdivision. A motion was made to accept the proposed 2 acre lot subdivision. M/2/C (J. Palmer/R. Haak) and carried 6 – 0.

**LIVONIA JOINT PLANNING BOARD**  
**JUNE 13<sup>TH</sup>, 2016**

**3) Michael & Melody Wallman – 7 Meadow Dr. Livonia, NY**

Chair Bennett invited the person representing the Wallman's to come forward and explain to the Board what their proposal is. Melody Wallman came forward and explained that they recently sold their house and found it difficult to find a ranch house. They have decided to build one themselves. Mr. Bruce Beardsley owns a lot on 7 Meadow Drive in the Village of Livonia which goes across to Shelly Road. They are requesting to divide that parcel in half. With doing this division, the size on Shelly Road is going to be very narrow. The square footage on Meadow Drive is only going to be 6000. They will be requesting a side lot line and a lot coverage variance. They are planning to build Patio Homes, although they are not Patio Homes by definition as listed in the Livonia Town Code. They will be asking for a 5' setback variance on Shelly Road. M. Wallman explained the reason they are asking for the setbacks is the lot is narrow on Shelly Rd, it would look more pleasing. The existing lot line setback on Meadow is 15'. They are asking for a 10' side setback. Shelly Road lot lines appear to be 10'. A. Backus stated that Shelly road was originally supposed to be a secondary road. The lot lines were supposed to be 15', but may have turned into 10'. They are asking for a 5' setback on Shelly Rd. A. Backus stated that because the lot is non-conforming they would automatically get 60% relief, Patio Homes only call for 5'. Chair R. Bennett asked what the code definition of a Patio Home was. A. Backus stated that without reading the actual code, his interpretation was that they were intended to be a type of cluster development/multiple Patio homes on a small development. Melody stated that she thought it was four Patio homes per acre and they are usually attached. This is not the typical Patio home, it will be detached and be on a slab with no basement. D. Simpson asked if this lot was designed as a right of way and if so, could it be changed. A. Backus confirmed that it was designed as a right of way. Meadow Dr. was designed as a lot, if phase two doesn't happen, it's still considered a lot but was intended to be a road. In order for this to work, the Wallman's would like to build two homes. They can't justify purchasing the property to build one patio home and have the long useless yard. A. Backus stated that in regards to the other subdivision located on Meadow Drive, B. Beardsley will be providing Engineered Data, stating that the potentially six new homes will not adversely affect the neighbors relative to water pressure or volume. Currently they are between 20-23 pounds at the curb. The minimum for the Water Authority is 20 pounds of pressure at the curb and that does not supersede the plumbing code. Mr. B. Beardsley suggested that the neighbors could install pumps. A. Backus wants evidence that it's not going to adversely affect the rest of the community. After speaking with Mark Kosacowski, my impression is that the concern doesn't have so much to do with the volume as it does with the pressure. With the 6" main, it may not make a difference in pressure but that needs to be quantified by an Engineer. There has been some resistance to that, but that will be a requirement for the variance. M. Wallman stated that Eric, the Engineer at the Water Authority will be providing that information as requested. A. Backus stated that the Village of Livonia will require Clark, Patterson, and Lee to review this. J. Sparling asked if both houses are exceeding the lot coverage size and what is the percentage. M. Wallman stated that both lots will be exceeding the lot coverage. The lot on Shelly would be 30% to allow for a 1400 sq. ft. ranch with a one or two car garage, two porches and a shed if wanted. Everything included would be under roof. On Meadow, that will become a small lot. J. Sparling confirmed that they would need to go for lot coverage and side setback variance, front & rear is not an issue. D. Richards commented that the 5' setbacks don't allow enough room to bring in a piece of equipment if needed. A. Backus addressed the Board and stated that because the Wallman's were a last minute add to the agenda, M. Wallman is aware that they didn't have an opportunity to review the proposal ahead of time. With that in mind, the Board may not be ready to give a recommendation to the Zoning Board. Chair R. Bennett asked how big the buildings on lots three and five are in relation to the lot and what setbacks they have. M. Wallman stated she thought that the lots on Meadow are 15' setbacks and they appear to be all the same size. A. Backus stated that it would help to have comparisons

**LIVONIA JOINT PLANNING BOARD**  
**JUNE 13<sup>TH</sup>, 2016**

on the rest of the houses located on Meadow Drive and what the setbacks are. Chair R. Bennett asked the Board for comments, the Board requested additional time to review before making any recommendations.

Chair R. Bennett stated that Board will postpone any decisions at this time until that have further information.

**4) *Munson's Timber – Aaron Munson – Decker Rd. Livonia, NY***

Chair Bennett invited Aaron Munson to come forward for discussion with the Board. CEO A. Backus stated that his memo to the Board was meant to summarize Aaron's intentions now and in the near future. We are at the point of trying to evaluate and act on the concerns that were brought to our attention. The point of this discussion is to address the issues and possibly modify the site plan, which appears to be back to an impact level prior to the barn and see if that will take care of some of the concerns. Chair R. Bennett wanted to address the items of the original site plan. The fence, stoning of drainage ditch, office trailer, the requested a status update on those items. The office Trailer was supposed to be sided & completed. The dirt pile was supposed to continue to decline or be gone. The fence was an issue, windows and doors being open during operation, the Saw Mill, loader, debarker and the noise associated with that. There were also questions of whether those items were in the original site plan approval. Those sum up the outstanding items of concern. A. Munson stated that the trailer is not sided. The fence has been repaired and the Saw Mill has been shut down. J. Sparling asked if all the equipment inside the Mill was shut down. A. Munson confirmed that the equipment is not in operation and is currently up for sale. He uses an Amish Saw Mill so he has no intentions of running a Saw Mill there again. The debarker is not running currently. He did run it a couple of weekends ago when he had an order for China. The logs had to be debarked because it is bug season and that is a requirement. The log debarking may come up once a year but it is not going to be ongoing. J. Sparling asked if he did have an order for China that required the logs to be debarked, could he contact the Graf's and ask them when would be a good time to run the debarker. At least try to run it during working hours when the Graf's are at work. A. Munson stated that the last time he did run the debarker he planned to run it on Friday around two o'clock but the person who was planning to help him was unable make it at that time. He did then run the debarker on Saturday morning. A. Munson said he would not have a problem texting Mr. Graf when those situations arise. J. Sparling asked if the Chipper was for sale. The Chipper is already sold. He is selling the head saw, reed saw and conveyor. He is not selling the generator yet as he needs that to run the debarker. The generator is only being used when he is using the debarker. A. Backus asked what the intentions would be if he were to sell off the current Mill equipment. A. Munson stated he would like to have a "Green Chain", which is a 40' electric conveyor. The lumber sits on the conveyor and slowly moves where someone could flip or trim the boards and grade the lumber. He would have another man to stack the lumber. That is the direction he foresees the use for the building which doesn't involve any saw milling. J. Sparling asked if he would need to run the generator for that. A. Munson said he would be using electricity to run the "Green Chain" conveyor. J. Sparling asked about producing mulch. Since there would not be a saw mill or running the debarker where most of the mulch came from, he would not be producing mulch. A. Munson confirmed that the current piles that are there are from the original top soil that was there when the property was cleared. D. Richard asked if in the future China wants more logs, would he revert back to what is happening there now. A. Munson stated that he was hesitant about making any comments. A. Backus stated that we are at the point of trying to reshape and solidify the site plan, if things were to change he would approach the Board for modification. A. Munson said that he is 90% sure that he is not going to run any kind of a mill there again. A. Munson and his Dad have split partnerships and his Dad was in charge of the Mill. Chair R. Bennett asked for any other comments from

**LIVONIA JOINT PLANNING BOARD**  
**JUNE 13<sup>TH</sup>, 2016**

the Board. He also stated that modifications have happened without approval. He suggested we revisit and finalize a new site plan with all these issues taken into account and hold the Munson's to it. Chair R. Bennett asked if the Board was in agreement. Yes, all Board members agreed. Chair Bennett stated that with removing the Saw Mill, the biggest issue was the debarker. If the Board was to restrict the debarker to the use of during normal working hours and establish what that was to be, 8-4 or 5 Monday through Friday. Chair R. Bennett confirmed that would be acceptable with the Graf's. The office trailer would still have to get cleaned up and Mr. Graf confirmed that the fence was good. Mr. Graf's only other concern was the muffler on the loader. A. Munson advised that the loader was broke down and he will be purchasing a new replacement so the muffler won't be a problem. J. Sparling stated that there was a concern when we had heavy rains that there was run off underneath Mr. Graf's road. A. Munson confirmed he addresses the drainage issue has been taken care of. Chair R. Bennett requested the CEO A. Backus draw up a new site plan and present it to the Planning Board for their review and approval.

**5) *Steve Gerould/Twin Silo's Wedding Barn – 6758 Big Tree Rd., Livonia, NY***

Chair Bennett invited Steve Gerould to come forward for discussion with the Board. CEO A. Backus stated that it has been identified that the two biggest concerns are the parking lot and the noise coming off from the deck. If these issues were to be mitigated, we can put an end to our involvement in the situation. S. Gerould provided us with a proposal and a list of things that he has done to show that he does care and has made efforts to work things out. This is with the understanding that there would be some type of conclusion for the situation. We would like to come to an agreement with everyone concerned that we have done our due diligence and we have implemented practical mitigating factors. A. Backus reviewed the current property layout with the Board. In regards to the Deck, it is not practical to move the Deck. One of the first mitigating factors was for S. Gerould to implement Sound Panels on the deck. A. Backus felt that some enclosure of the deck on Mr. Leone's side may be beneficial. S. Gerould's concerns were that if you close off too much of the deck that will encourage people out further into the yard. S. Gerould said they just moved the ceremony spot out in back of the barn which helps with the noise. He felt that the sound panels made a big difference with the noise coming off the back deck. They have tried to make reasonable changes to minimize the sounds coming from that area. S. Gerould stated that the biggest problem they have right now, is the uncomfortable tension with their neighbor that they don't want to have anymore. D. Leone spoke out and stated that he told S. Gerould back on June 22, 2014 to move everything to his side of the fence, including the parking lot. Attorney James Campbell reminded both parties to address their comments to the board only. Chair R. Bennett asked D. Leone if he was aware of the proposed new layout. D. Leone stated yes. S. Gerould stated that if that is the real issue for D. Leone, he would be willing to move the whole parking lot to behind his house if that will allow them work together again. D. Leone repeated he asked for that back on June 22, 2014. S. Gerould stated that he could not move the deck. Chair R. Bennett stated that from the Boards perspective, the deck is not going to be moved. D. Leone stated that the deck deviated from the original approved site plan back in 2009. R. Haak asked D. Leone if he noticed a difference since the sound panels were installed to the deck. He stated that it now pushes the sound down and out, rather than letting it go out like it was, he felt that it made it worse. According to his decibel meter, the sound coming out now is louder than it was before the sound panels. It is the drinking, the people talking and coming & going, music from the doors wide open. S. Gerould stated that according to their decibel meter, the sounds have been reduced. If you enclose the deck anymore, he feels it would drive the people further out onto the lawn and closer to the fence. R. Haak commented that as far as A. Backus suggesting you could close part of the end of the deck off. Since you have tent sides on the sides and the one end, why couldn't the ends of the tents be taken down. S. Gerould stated that the tent sides go up and down

**LIVONIA JOINT PLANNING BOARD**  
**JUNE 13<sup>TH</sup>, 2016**

depending on weather and it is in the contract of the renters that they choose to have them up or down. R. Haak stated that if the tent sides were up at the end of the deck, the people would have their view. Attorney James Campbell asked if the tent sides could be clear so they would have a view. S. Gerould stated the tent sides have windows, but if the weather is nice the people want to go out in the yard. R. Haak asked if he could leave the tent side down and closed off on the North end near D. Leone's house and leave the south end open for the view. S. Gerould stated that end is where the stairs and the fire exit is located. R. Haak asked how big the sections between the poles are and how many sections have stairs. S. Gerould said approximately 10' between and the first two sections, 20' have stairs. R. Haak stated if you close off 10' you would still have 10' of stairs. Chair R. Bennett asked how long was the entire deck. S. Gerould stated it was 65'. Chair R. Bennett stated that an option might be to leave 10' of the stairs open and run a barrier down the side that faces D. Leone's and have the south end be open. S. Gerould stated that before he makes any further changes he would want confirmation from an Engineer that it would make a difference. R. Richards asked if the sound panels make a difference. S. Gerould felt that they did make an improvement. He felt that the sound now gets absorbed, people are able to speak in normal voice without yelling over the music. A. Backus asked if a reputable sound expert stated it would make a difference, would he be willing to make changes to the deck. S. Gerould said he would be willing to talk about anything that we could show him would make a real difference as far as the deck is concerned. They have limited the schedule down to only 20 days out of 365 days this year. They are committed to keep it to 25 events or less per year, and are turning away a lot of business trying to work these issues out. They have limited the noise as much as they can. If it's really the parking lot, they are willing to move the whole lot behind their house. R. Haak stated she didn't think leaving the 55 parking spaces where they are would fix the problem. S. Gerould stated that he never like that plan from the start. Splitting the parking area would cause a logistical nightmare. Attorney James Campbell suggested that we ask D. Leone if moving the parking lot would satisfy him. D. Leone stated that there was two main problems, the parking lot and the deck noise. They are equally important. If S. Gerould would move the deck behind the barn where it belongs, the people would have a view of the whole 25 acres. D. Leone stated that when he approached S. Gerould on June 22, 2014 about moving the deck to the back of the barn, he stated he couldn't because of the Silo's. He felt that the reason S. Gerould wouldn't move the deck was because he didn't renovate the back section of the barn which he uses for his personal use. Attorney James Campbell confirmed with D. Leone that if S. Gerould doesn't agree to move the deck that it will elevate the problem, only 50%. D. Leone stated that what upsets him the most is that they have deviated from the original site plan from 2014. Everyone was supposed to be in agreement of what was happening. D. Leone stated that he was not made aware of the plans until he started to ask questions prior to the Wedding Barn opening. He then received a copy of the site plan back in April of 2014. Chair R. Bennett asked if we had approvals for deck in the site plan. A. Backus stated that S. Gerould was issued a permit for the deck. S. Gerould stated that the original site plan showed the deck on the front of the barn which was closest to D. Leone's house. They moved the deck to the back of the barn. Chair R. Bennett reminded that the site plan can be modified and that at this time S. Gerould is approved for his current situation. S. Gerould confirmed that they have all site plan approvals, permits and no code violations. They have been trying to work issues out with D. Leone and that is the only the reason he is here. A. Backus stated that if a sound analyst could show that part of the deck would have an impact by being closed off and the parking lot is relocated, we have done our due diligence. Chair Bennett confirmed with the board that the parking should be moved in its entirety, except for 8 handicap parking spaces. S. Gerould provided the board with a map of the parking changes. He has consulted with the farmer who will be cutting the wheat in the new parking area the end of July, first part of August. Once that is completed, he will reclaim that area from the farmer to start constructing his new parking area. The area will need to be graded, a driveway put in and lighting for the area. He will have the parking lot area

**LIVONIA JOINT PLANNING BOARD**  
**JUNE 13<sup>TH</sup>, 2016**

moved by the beginning of next season. A. Backus asked what the value of the wheat that was planted in that area. S. Gerould he wasn't sure what the crop is worth. The area would still need to be graded and grass seed planted which doesn't get planted until the fall, the area wouldn't be able to be driven on until next spring. R. Haak commented that she would like the parking area done sooner. Attorney James Campbell asked if planting two rows of arborvitaes would eliminate the sound issues. A. Backus confirmed that was addressed prior and the tree's would have to be very dense to be effective, so the trees would be practical. S. Gerould stated that you would be better off with a tall solid wall between 14' – 16'. A. Backus asked if this would be an option in addition to the deck. S. Gerould said that he would need confirmation from a qualified sound person that it would make a difference. Attorney James Campbell stated that as long as it is an outside venue, there is never going have an absolute solution as there are too many variables involved. Chair R. Bennett asked to address the parking lot being moved and the time frame. The board members all agreed that they would like to see the parking area moved to behind S. Gerould's house and it will be ready for the start of next season. The board agreed that with this change, the parking issue as far as the Planning Board is a resolved and a finished issue. D. Leone wanted to state that it was indicated that the events are only 20 events per year. He looks at it like there is events planned for the whole summer, every weekend from Friday to Sunday with planned events. A. Backus stated that as far as S. Gerould is concerned, he is hoping that at this point the board will say we have addressed the issues of concern and this is where we stop. That D. Leone will agree that he is satisfied that the efforts made are adequate. S. Gerould stated that he is willing to move the parking lot but he is not willing to make any other changes to the deck, he has an approved final site plan. Attorney James Campbell reminded that with the approved site plan, it is subject to review. Chair R. Bennett wanted to review the deck issue. The Board agreed that they should enlist the expert advice whether the deck issue can be mitigated. Chair R. Bennett confirmed that will be the last and final step regarding the deck issue. S. Gerould stated that he is in agreement with having an expert investigate the noise issue, but for the record he is not willing to pay for it. He stated that he would have his attorney, Seven Sessler contact the Town of Livonia's Attorney James Campbell to work through those details. D. Leone asked to pass out letters to the board regarding the situation from their prospective. J. Sparling stated that we would have to obtain information and a cost of what the sound study would be so the board would be educated. Chair R. Bennett asked for further discussion.

Motion to adjourn the meeting at 8:40 p.m... M/2/C (D. Richards/J. Sparling) Carried (5 - 0)

Respectfully Submitted,  
Alison Houk, Recording Secretary