

**LIVONIA JOINT PLANNING BOARD
JULY 24TH, 2017**

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

Excused: Attorney J. Campbell

Agenda:

- 1) Approve the meeting minutes – No minutes for approval.**
- 2) Wayne Benson – 3469 Bronson Hill Road, Livonia, N.Y.**
Site Plan approval for Modification to approved Subdivision
- 3) Old Stump Blower Cidery – 5901 Big Tree Road, Lakeville, N.Y.**
Site Plan review

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

1) Wayne Benson – 3469 Bronson Hill Road, Livonia, N.Y.

Chair R. Bennett invited Wayne Benson to come forward. CEO A. Backus stated that Wayne has come in control of this property. It was previously a non-conforming residential use. That use stopped. Now that he is in control of this property he expressed a desire to bring it up to compliance. Since it was done many years ago, without Code compliance, it now needed to be brought up to today's codes. He has done a lot of work prior to this meeting to accomplish this and the property is now within the Building Code and a conforming lot. He is here for this meeting to get site plan approval to use it as a residential use. Chair R. Bennett confirmed that it is now a conforming lot and within zoning. CEO A. Backus stated yes, it is now up to today's Code standards. Since SEQR was done with site plan review when the subdivision was approved, SEQR was not required at this meeting.

Chair R. Bennett asked for a Motion to approve the Modification of Site plan for previously approved Subdivision as presented: M/2/C (J. Palmer/R. Haak) Carried 7-0

3) Old Stump Blower Cidery – 5901 Big Tree Road, Lakeville, N.Y.

Chair R. Bennett asked Elise Barnard to come forward for discussion regarding the Cidery. CEO A. Backus stated that he forwarded the letter to the Cidery that was issued by Chair R. Bennett. Chair R. Bennett asked for clarification where the Cidery stood on the original Site Plan. CEO A. Backus stated that they attended February 27th, 2017 Planning Board to discuss proposed changes moving forward. At the same time, we were dealing with drainage issues with the Landscaping Company next door. Old Silo Farm Market attended and wanted to set up a mini trailer to sell their produce on the Cidery property. It was left that the parties involved would

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come back once they had gotten together on the drainage issues. The drainage went to the side burner and they went ahead with the produce stand and the patio. Since then, we have received complaints from disgruntled neighbors. Chair R. Bennett stated that with the original Conditional Use Permit there were established hours of operation, no outdoor events or storage. Parking was to accommodate 16 vehicles. Drainage grade changes were prohibited and any future modifications required Planning Board approval. Chair R. Bennett stated that he did not recall seeing or approving any additional modifications. The Patio use and Farm Stand were items that should have come up for review. E. Barnard stated that she was advised that she could pour the cement pad. CEO A. Backus stated that a patio doesn't require a permit, and was considered an apron to the building. The use of the Patio is the issue. Chair R. Bennett stated that it is the use of the Patio that is the concern, with the outdoor seating. Since they didn't return, we were not aware of what their intended use was. Chair R. Bennett stated that paperwork was seen regarding future plans, but was never received in the form of a formal Site Plan. We have received numerous complaint's regarding outdoor events where the overhead doors are open, music is playing and there are people outside, which is not permitted under the Site Plan. E. Barnard stated that the music is inside and asked if they can't have their doors open? Chair R. Bennett stated that once the large overhead doors are open, it is no longer considered inside music. The original intent was to have a tasting room, a venue to sell merchandise and not be a bar/party house. Complaints have indicated that there is more activities taking place outside and vehicles are parking on the street and blocking a driveway. E. Barnard stated that they had their one year anniversary party back in May and spoke to the Hook & Spoon and the Exxon Mobil Gas Station owner, who both agreed to let overflow traffic park in their lots. They did post signs that stated "excess parking", to try to alleviate any parking issues, this was done for any events they have had, which were the 4th of July and Memorial Day. D. Richards stated that there was a tent on the property. E. Barnard said the tent was on used once, when they had their anniversary party on Memorial Day weekend. R. Haak stated that is when the vehicles were parked up and down the road. CEO A. Backus stated that based on the information received, it was three weekends in a row where there was outside music and parking issues. Based on the photo's he received, the tent appeared to be up for those three weekends. He stated that the distinction needs to be made between having music inside and having all the overhead doors opened, which essentially is not indoors. Chair R. Bennett stated that the photo's showed the farm market set up. E. Barnard stated that they have the little trailer there which has flowers for sale. Chair R. Bennett stated that the point is that everything they have done needed to come before the Planning Board for approval prior, as part of Site Plan review. This was indicated when the Conditional Use Permit was issued. We have received numerous complaints with many things going on outside the building. At this point, everything needs to be kept inside the building. If there is anything that you would like to do outside, that needs to be brought to this Board prior for approval with a formal Site Plan. Chair R. Bennett stated that they appreciate what they are doing in the community, but any future plans need prior approval from the Planning Board. There are several breweries in the area that keep everything inside. If they want to do anything outside, they obtain the required permits or obtain approval prior from the Planning Board.

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R. Haak asked for clarification regarding processing inside and if there was production taking place. CEO A. Backus stated that originally they proposed to be production facility. It's not a majority production, it is at least 50% retail sales, as production is not permitted on the site. E. Barnard stated that they are fermenting hard cider in house, and have been since day one. Chair R. Bennett clarified that the process that was allowed was to bring in the product, mix it and the fermenting process. CEO A. Backus stated that it was originally proposed as a tasting room, retail sales with ancillary production which was part of the atmosphere of coming to a real facility where they made the cider. The primary purpose of the operation wasn't production. They stated that if production grew, it would be done offsite. The purpose of the business was tasting and retail sales, not primarily a production facility. J. Sparling stated the Board's concern with the production facility, was the waste material. CEO A. Backus stated that was determined not to be an issue. Chair R. Bennett stated that the plan was, they were bringing in materials to be mixed with the product, so there was no waste to be produced. They are not permitted to put together a system that produces waste or have outside storage. CEO A. Backus stated that with the exception of a tractor trailer, instead of a box van and some stored containers outside, there has not been any change in the actual operation.

J. Sparling asked for Elise to explain their process. E. Barnard explained that her brother, Eric goes to Wolcott with totes. They fill the totes with fresh pressed juice, considered cider unfiltered and unpasteurized. The juice is then put into their tanks where it ferments. It then is transferred into a second tank for further fermentation. It then goes into a third tank for carbonation. Then, it is put into 80 gallon holding vats, which they consider their in house kegs which they keep in the walk in cooler. J. Sparling asked if the blueberries that they were juicing would be producing any waste from the skins. E. Barnard stated that the process uses the whole berry and there is no waste.

Chair R. Bennett stated that the intent of this meeting is that the Board would like you to address the outside events that are taking place & no outside storage. The music with the overhead doors open needs to be addressed. There was a plan presented, but you never returned to obtain approval. E. Barnard stated that if the Produce Stand was an issue, she would have them move it. R. Haak stated that although the Produce Stand is an issue because it was never approved, the outdoor activities were of a higher concern. J. Palmer stated that there were rumors they were selling food outside. CEO A. Backus stated that the Board's concern is that when they were here at the previous meeting back in February, they heard the plan and stated it sounded favorable but to return with a formal Site Plan to be approved, and that never happened. The reason the Cidery is here is because at times it appears to be a bar like atmosphere, happening multiple weekend's. E. Barnard stated that she would gladly turn the whole area into a parking lot but there are drainage issues that prevent that. D. Simpson stated that it is the Board's job to protect the environment, and that all the nearby neighbors have went through the same process to bring a plan to the Planning Board for approval. E. Barnard stated that right before their anniversary party, they went to all the nearby neighbors and thanked them for being good neighbors and gave them coupons for two free drinks at their party. They care about other people and have tried to be good neighbors. She has worked with the immediate neighbor directly with his concerns and

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feels that the complaints are not coming from him. E. Barnard stated that possibly she doesn't know enough about what they are allowed to be doing. D. Richards stated that there was not to be any outside music. She was under the impression that she was allowed to have music as long as it was inside. CEO A. Backus stated that it was stated that the music was not to be outside. If you have music inside the building, and open all the overhead doors, the music is now outside the building. D. Andersen stated that it would be the same thing as having music in a pavilion. CEO A. Backus stated that this is the main point that started all the complaints & frustration. Three weekends in a row there was a party tent in the back, there was a band playing music and all the doors were opened. That is not the intent of no outdoor music. E. Barnard stated that they really wanted to have music once in a while. J. Palmer suggested a single guitar player or similar might be a better fit for the location. D. Simpson stated that this Board has experienced the same exact issues with the North Shore Grill. There were many things that needed to be worked out such as when there would be music, what times, how loud it would be and that information needed to be brought before the Board for approval.

Chair R. Bennett stated that the Cidery needs to come up with a Site Plan to present to this Board detailing all their plans & requests. Music, tents, outdoor seating, parking and other future plans. CEO. A. Backus stated that when there was a Public Hearing held before for the Site Plan, many of neighbor's adamant concerns were that they didn't want a bar like atmosphere. Outdoor music, parking on the state highway, party tents all indicate the bar atmosphere and that is why there have been complaints.

Chair R. Bennett stated that we will schedule the Cidery on the next Planning Board meeting of August 14th, 2017 with a Public Hearing so area residents can attend with any comments or concerns regarding the proposed modification to previously approved Site Plan.

With no further comments Chair R. Bennett asked for a motion to adjourn the meeting at 8:02 p.m... M/2/C (J. Palmer/R. Haak) Carried 7-0

Respectfully Submitted,
Alison Houk, Recording Secretary