

**LIVONIA JOINT PLANNING BOARD**  
**MAY 8, 2017**

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

Agenda:

- 1) *Approve the meeting minutes from April 24<sup>th</sup>, 2017.***
- 2) *Robert Gallagher – 5816 & 5804 Decker Road, Livonia, NY 14487*  
*Preliminary Concept – Proposed Season Farm Stand.***
- 3) *Sweetners Plus – 5768 Sweetners Blvd, Lakeville, NY 14480*  
*Preliminary concept - Proposed Powder Building.***
- 4) *Crown Castle/Verizon Cell Tower – Frank West property, Livonia, N.Y.*  
*Concept – Cell Tower***

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

1. Meeting Minutes for April 24, 2017. - Chair R. Bennett asked for a motion to approve. M/2/C (J. Palmer/R. Haak) approved as submitted. Carried 6-0

**2) *Robert Gallagher – 5816 & 5804 Decker Road, Livonia, NY 14487***

Chair R. Bennett invited Robert Gallagher to come forward to discuss a proposed seasonal roadside Farm Stand. Mr. Gallagher stated that he would like to develop the properties as an Agro-tourism destination. They plan to pasture poultry, vegetable food production & mushrooms in their woods. They would like to have a seasonal farm market to feature the items that they will produce. It will run from May through September and also offer other local produced agriculture products & specialty items such as jams and artisan products. At 5804 Decker there is currently a building but it is not salvageable and will need to be taken down. The thoughts for this year are to run a roadside market off from his front porch at 5816 Decker Road, utilizing the barn and garage if needed. He has coolers for the eggs and to store vegetables. This idea would be to target the Lake community. Mr. Gallagher has 150 laying hens and some laying ducks which produce a lot of eggs. He hopes to target the local community with his egg production. If everything goes well this year, he would consider moving the stand to 5804 Decker and building a three car garage type of building to offer the produce & other items from. The future plan would be to feature an Agro-tourism destination where people could come to learn about sustainable food systems & helpful diets. They would also consider having a petting zoo, if permitted. They have a pond and woods where people could come and enjoy themselves. CEO A. Backus stated that if this were to be considered a roadside stand, it would be an accessory use from a lot where a substantial portion of the produce is grown on the premises. Once it starts to offer outside products coming in, we will have to weigh that against the Ag &

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Market regulations. Chair R. Bennett stated that at this point the proposal would be a temporary setup to sell off from the porch and would evolve from there into the long term plan of the destination. CEO A. Backus stated that although the Ago-tourism is the ultimate goal, we don't want to get too far in the process and find out that there are obstacles. We would have to revisit the long term plan as things progress. Mr. Gallagher stated that he has had previous experience operating a farm stand on a smaller scale. In order to draw in a larger mass of people, you need to offer a large amount of products and offer a diversity of items. He plans to offer items from other local farms and feature their branding on the items they are offering, which would promote the local production of the other farms. J. Sparling asked if there will be enough room in his driveway for people to turn around. Mr. Gallagher stated that they have a three car turn around which would offer ample room for customers to drive in, turn around and drive back out. J. Sparling asked what the hours of operation would be. Mr. Gallagher stated that he was thinking it would be 8-9 a.m. until 5 or 6 p.m., six to seven days a week, depending on how business progresses. Chair R. Bennett stated the permitted hours are from 8 a.m. to 8 p.m. R. Haak asked if the only items that would be sold off the porch this year would be the eggs and mushrooms. Mr. Gallagher stated that he will offer some of his own grown produce, and will offer a small amount from other farms. Overtime, his growing production will increase. Chair R. Bennett stated that this will be considered a temporary plan to sell produce from your porch. Under the Site Plan review, this will be considered a Roadside Stand. The Board will want to see parking, an adequate turn around, hours of operation and signage. CEO A. Backus stated that Mr. Gallagher is aware of the sign codes and would be permitted to put a sandwich sign at the end of the road temporarily. Chair R. Bennett stated that this would be temporary, one year for this season, selling off from the porch with compliance of the parking & turn around.

Chair R. Bennett and the Board reviewed SEQR. Negative declaration was determined. Motion to approve: M/2/C (J. Palmer/R. Haak) Carried 6-0

Chair R. Bennett asked for a motion to approve the Site Plan based on temporary use of the existing porch and CEO A. Backus to verify adequacy of the parking. Motion to approve: M/2C (R. Haak/J. Sparling) Carried 6-0

**3) *Sweetners Plus – 5768 Sweetners Blvd, Lakeville, NY 14480***

Chair Bennett invited John Hooker of Sweetners Plus and Tom Fromberger of MRB Engineers to come forward to explain the proposal. John Hooker stated that they are proposing to add a new 24,000. Sq. Ft. building. This would take some of the carryover from the existing facility. It will be in the same location, (property to the North). It will take some of the increased production of the same products, as they cannot expand any further in the current facility. This will be expansion for the same production at the new site. They are proposing to add additional tracks into the new building and starting the new facility. CEO A. Backus asked how they were planning to integrate this building to the new storage tracks that were previously put in. J. Hooker stated that they will not be going any further north to the main line. The connections will be on their existing property. J. Hooker reviewed the site map with CEO A. Backus

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explaining the new location. The existing tracks will tie into the new building. Their business is growing and customers are requesting more product. They are going green, everything they do is to try to reuse, recirculate and save. They reuse water three times when they have it. This would expand and increase production without increasing anything in the other facility. D. Simpson asked for clarification on if there was going to be a new roadway. Tom Fromberger stated the proposal is for the new building, tracks and roadway. J. Hooker stated that the new roadway will come in by Al's Landscape. The tracks which are indicated in purple on the site map, will be the new tracks. Part of the new building will service the old building production and rail cars. During the colder months, the liquid sweetener will freeze and may need 2-3 days of steam to unthaw the solution. The new building will provide a place to bring the rail cars in so they can be heated. D. Simpson asked how many additional feet of track is this proposal. The tracks are 1200' per run. With the new tracks, they will be able to get eight cars inside the building. D. Simpson asked how many cars will be stored in that area. J. Hooker stated that there will be the same amount of rail cars as there is today, which would be 10. This new proposed facility is to accommodate the growing need of product and insure it will be unthawed into solution to meet the customer demand deadlines. D. Simpson asked how much more noise or activity will the new facility create. J. Hooker stated they are different from the L & L Railway, which use the old antique locomotives. When they start, they put a puff of black smoke in the air that will stay for fifteen minutes. Sweetners has a 2016 Shuttle Wagon that has a scrubber on it. There is zero smoke and the decibel range is near 30, OSHA states you need to be 82 or less. You may hear an occasional bump from a rail car. They are approved from Food Administration to take the cars into the building because of the emissions are so good. J. Sparling asked if the new facility was for additional product. J. Hooker stated that currently they can only bring in three cars and hope that they are in solution. The new facility will allow them to bring in ten cars to make sure it is thawed and in solution. J. Sparling asked if there will be any additional employee's. J. Hooker said they will be hiring five to fifteen new employees. CEO A. Backus asked what the construction schedule was. Tom Fromberger stated that they would like to move forward as soon as possible. Chair R. Bennett stated that the Board looks favorable on the concept and encourages Site Plan review. CEO. A. Backus stated that the Preliminary Site Plan is to address lighting, drainage and verification of noise. Utilities, road expansion, building & paving impacts and a drainage study as well as review by Clark Patterson Lee. Attorney J. Campbell asked if there is currently a curb cut. J. Hooker stated that not currently on theirs, but Al's Landscape property currently has two. CEO A. Backus encouraged DOT involvement as well as County Referral and DEC, construction SWPPP.

#### ***4) Crown Castle/Verizon Cell Tower – Frank West property, Livonia, N.Y.***

Chair R. Bennett invited Jeffrey Davis of Barclay Damon, attorney for the applicant, Crown Castle and co-applicant Verizon Wireless to come forward. They were here before the Planning Board on April 24<sup>th</sup> to present the revised proposal and are here tonight to answer any further questions. There are no changes in the April 24<sup>th</sup> proposal of a 155' Cell Tower, Verizon's antenna at a center line of 150'. In discussions with Crown Castle, there are willing to commit to building an extendable tower with a break point should the need arise. This proposal meets all

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the code requirements and setbacks with no variances needed. They can enhance the proposed landscaping on the east side by planting additional staggered deer resistant trees which will provide further coverage for the base. The proposal is to move forward with the present proposed site behind Dollar General on the Frank West property. They spoke to Verizon regarding moving the tower north, the answer is no. Moving the tower north will create communication & reception issues, also for residence on Washington Street, as the Tower would have to be taller and would be more visible to these residents. Mr. Davis stated that they are requesting to move forward to the Public Hearing phase meeting scheduled for May 22, 2017. He did provide Attorney J. Campbell a shock clock extension letter which was requested at the last meeting and a removal estimate for the tower as requested. Attorney J. Campbell stated the Town's Code requires a \$100,000.00 removal bond. Chair R. Bennett asked about review for access to the site because of the extension of Wildbriar. J. Davis stated that he considered the access a non-issue, they are willing to do whatever they are needed to do for site access. CEO A. Backus stated that the E-911 coordinator is having a difficult time with the access. Doing a lot line adjustment with F. West may be the best solution and getting the access point off Wildbriar onto the F. West property. Attorney J. Campbell asked what the timeline was for the build out. J. Davis stated Verizon dictates this as a priority site. They are projecting starting construction in August or September of 2017, they would like to get the concrete in before winter, finishing in 2018. D. Simpson asked again for clarification why the tower couldn't be moved towards the north. From a radio frequency standpoint, moving the tower to the north has sectorization issues. There is code reuse so there is less interference. It is pulling further away from one of the coverage objective areas which is the Livonia High School and area to the south. R. Bennett asked if Verizon representative will be present at the May 22<sup>nd</sup> meeting. J. Davis stated he would request that a Verizon RF Engineer be present. Ralph Parker was present and stated to J. Davis that he represents neighbors in the Village where he lives and the consensus is that they would prefer a higher tower to the north. CEO A. Backus stated that this issue was addressed and researched by the Town's consultant and due to coverage & interference issues, this would not be an option. It is at the height and location it needs to be.

With no further questions, Chair R. Bennett asked for a Motion to adjourn the meeting at 8:14 p.m... M/2/C (J. Sparling/J. Palmer) Carried 6-0

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Respectfully Submitted,  
Alison Houk, Recording Secretary