

**LIVONIA JOINT PLANNING BOARD
AUGUST 28TH, 2017**

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

Excused: J. Palmer, D. Richards, D. Simpson, Attorney J. Campbell

Agenda:

- 1) Approve the meeting minutes – August 14th, 2017*

- 2) Old Stump Blower Ciderworks – 5901 Big Tree Road, Lakeville, N.Y.
Modification to Site Plan*

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

1) Meeting Minutes for August 14th, 2017. Chair R. Bennett asked for a motion to approve. M/2/C (R. Haak/J. Sparling) approved as submitted. Carried 4-0

2) Old Stump Blower Ciderworks – 5901 Big Tree Road, Lakeville, N.Y.

Chair R. Bennett asked Elise & Josh Barnard to come forward for discussion regarding the Old Stump Blower Ciderworks. Chair R. Bennett stated that the Public Hearing was still open. CEO A. Backus read an email from the neighbor across the street, Mike Parker of 5894 Big Tree Road. M. Parker stated that the event on Friday night, August 25th was more respecting of the neighbors' concerns. He was told that the place was packed, there were maybe six cars parked out on the road. The folksy music was turned down and it ended around 9:30 p.m. People dispersed in an orderly fashion and by 10:00 it was quiet. CEO A. Backus stated that the owners were in control of the music, they had consideration for their neighbors, who in turn felt that their concerns weren't being ignored.

Chair R. Bennett stated that with no one present, the Public Hearing was closed.

He asked for comments from the Board. R. Haak stated that she would like to address the amount of cider to be served, they are a tasting room and not a bar. Chair R. Bennett stated that the Board doesn't have the authority on how much can be served. We need to defer to the New York State Liquor Authority and the Ciderwork's attorney. CEO A. Backus stated that there are a lot of variables, a Farm Winery is different from a brew craft Brewery. E. Barnard has consulted with her attorney regarding questions which were asked at the last meeting. Questions and their attorney's responses are below:

1.) Do we have any hours of operation stipulations in respect to our license? No

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2.) Is there a limit on how much cider a customer can consume during a visit? They cannot be served if intoxicated, but no actual limit.

3.) Are we allowed to serve beer, wine & liquor for on-site consumption as long as it is NYS Farm licensed products and is there a limit to the amount? Yes, you can as long as it is NY Farm product. No, there is no limit except there must be food and no one can be served if intoxicated.

Is there a law against onsite events/music? No

D. Andersen asked if a liquor license would be different if they were promoting as a bar, rather than a tasting room. Chair R. Bennett stated that the New York State Farm Winery License prohibits them from offering anything other than New York State farmed products. They are not restricted as long as it's farmed. E. Barnard stated that the New York State Farm license requires them to use only farmed products. They can sell any type of beer, wine, liquor as long as it is New York State Farmed. Establishments that have a regular Liquor License are able to obtain a lot of other products that are not farmed and they not governed by the same rules. R. Haak stated that they presented themselves as a tasting room where you could have a tasting of no more than 16 ounces, not a place where you could come to have as much as you wanted. Chair R. Bennett stated that it is hard for this Board to regulate that. It is what they are allowed to serve under the Liquor Authority laws. We can only regulate some of the conditions in which they operate. CEO A. Backus stated that the on site management can regulate and set the tone to keep the atmosphere orderly and considerate of the neighborhood. The Board can stipulate that if there are complaints, they can request another meeting to discuss the concerns. CEO A. Backus asked how many other people on site would have some managerial authority. E. Barnard stated that her brother Eric & a Chemist. E. Barnard assured that if the music was getting too loud, Eric would be able to handle the situation. Prior events have never went past 10:00 p.m. They were not aware of any issues with Mr. Parker because he never spoke to them regarding his concerns. When there were issues with the immediate neighbor, they dealt with the issues promptly and the neighbor was willing to work through the issues with them. J. Sparling stated that it wasn't so much the music, but the complaints were of the noise that went along with the music. J. Sparling asked who the owner of the Ciderworks was. E. Barnard stated that she is the sole proprietor of the LLC. She and her brother Eric are business partners for the business. D. Andersen stated that when E. Barnard was not on site, it would be the sole responsibility of her brother and the Chemist to communicate the rules and regulations, and to enforce what she is committing to do. E. Barnard confirmed they would have no problems managing the atmosphere in her absence. J. Sparling asked what type of games they would be playing on the Patio. E. Barnard stated that they would be board games, there were not any drinking games. CEO A. Backus wanted to know if the Board wanted to put stipulations on the type of music allowed. Such as no bass drums, or subwoofers. Chair R. Bennett stated that their proposal states that they will work with area residents to establish a reasonable mechanism for sound volume/intensity if there are complaints. CEO A. Backus stated that the mechanism can be determined at that time, if there

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are complaints. The neighbors want to know what the guidelines are and that they are being considerate of their concerns.

The Board reviewed and discussed the terms of the modified Site Plan proposal.

Chair R. Bennett asked for a Motion to approve the Modifications of Site Plan as submitted with the following conditions. Year round hours will be Sunday through Wednesday from 12:00 p.m. to 10:00 p.m. Thursday through Saturday from 12:00 p.m. to 11:00 p.m. Music is allowed year round, twice a month on a Friday or Saturday. Open mic is allowed twice a month on Wednesday or Thursday, opposite weeks. On Friday or Saturday the music will end at 10 p.m., and on open mic night (Wednesday or Thursday), music will end at 9 p.m. They will work with neighbors and CEO A. Backus if there are sound complaints to establish a reasonable mechanism for sound volume, intensity and type of music. Three annual events with a tent are allowed. Memorial Day weekend, July 3rd & Labor Day weekend. Parking lot attendant on site for all events. Lighting will be reviewed and determined for public safety with CEO A. Backus. The Patio can be used in a responsible manner with consideration to the neighborhood. There will be management onsite during all events. A one year review with the Planning Board. If there are complaints, the Board reserves the right to call back before the one year review as needed, based on public complaints or concerns. M/2/C (J. Sparling/D. Andersen) Carried 4-0

Chair R. Bennett stated that they will send a letter to the Zoning Board of Appeals stating that the Planning Board has no issues with the storage unit. This is needed to account for their growth and this is their solution. The Planning Boards looks favorably on the storage unit staying on the property.

With no further comments Chair R. Bennett asked for a motion to adjourn the meeting at 7:55p.m... M/2/C (R. Haak/J. Sparling) Carried 4-0

Respectfully Submitted,
Alison Houk, Recording Secretary