

LIVONIA JOINT PLANNING BOARD
August 13th, 2018

Present: Chair Bennett, J. Palmer, D. Richards, J. Sparling, CEO A. Backus, & Secretary, A. Houk.

Excused: D. Andersen, R. Haak, D. Simpson, Attorney J. Campbell

Agenda:

1) Approve the meeting minutes. –July 23, 2018

2) Peter Bruckel/Land Tech – 5607 Pebble Beach Road, Livonia, NY
Concept of Site Plan review for Bridge Creek Vineyard.

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

1) Approve Meeting Minutes for July 23, 2018. Chair R. Bennett asked for a motion to approve. M/2/C (D. Richards/J. Sparling) approved as submitted. Carried 4-0

2) Peter Bruckel/Land Tech – 5607 Pebble Beach Road, Livonia, NY

Chair R. Bennett asked Peter Bruckel and John Sciarabba of Land Tech to come forward to discuss the concept for a proposed Bridge Creek Vineyard. J. Sciarabba stated that also present were Justin Bruckel, Pat Kennedy and Spencer who is the Vineyard Manager. P. Bruckel is proposing to develop this 30 plus acre site located on the east side of West Lake Road, north of the Lakeville Airport. The site is Zoned Agricultural Residential 3 (ARC-3). The site has been maintained agricultural for many years and would like to embrace the agricultural and scenic location for the proposed Vineyard. The site has access to public water, sanitary sewer and electric. The proposed project will be completed throughout the following phases. Phase one, which was stated last year was planted with grapes, consisting of approximately a 4-acre area. The soil proved to be conducive and the Vineyard is now well established. In the spring of 2018, Agricultural Tiles were installed to promote positive drainage to a proposed pond. Water will be piped out of the proposed pond in a controlled manner to the existing creek to the north, and meet the guidelines of the DEC as they move forward in development. The pond will have daily water and will designed to handle different storm events and will be contained in the pond before it is released to the creek. They would like to construct a 50' X 100' barn on the northwest corner of the property to be used for the farm operation and future production needs. The proposed building would connect to public water and sanitary sewer. Phase two would consist of constructing a 10,000 Sq. Ft. tasting room and event center, with a partial walk out basement. This would allow spectacular views that would be enjoyed by patrons of the winery and wedding parties and wine tours. They are proposing a parking lot from a proposed driveway coming off from West Lake Road, west of the building to accommodate the guest. They are planning to

LIVONIA JOINT PLANNING BOARD

August 13th, 2018

shorten the runway which will end just north of J. Bruckel's house to ensure adequate room for parking away from the runway. The building would be serviced by public water and sanitary sewer. What they are asking for tonight is approval of phase one, the 5000 Sq. Ft. production building. They will work with CEO A. Backus and the Town's Attorney, J. Campbell to achieve the future phase goals. J. Sparling asked where the current drainage pipe coming from the existing Vineyard was. J. Sciarabba stated that it currently comes from the drainage tiles into a pipe that is located north of the pond. J. Sparling stated that the residences on Pebble Beach are very concerned about water coming off from the hill, with the additional construction happening on top of the hill. P. Bruckel stated that they installed approximately 17,000 feet of drainage tile. CEO A. Backus clarified that part of the Site Plan needs to include the drain tile that was put in without coordination. J. Sciarabba stated that the requirements of the DEC for a Vineyard in an Agricultural operation, the criteria is different. CEO A. Backus stated that Agricultural drain tiles does not exempt the farmer from responsible storm water discharge. If it were just drain tiles installed, and not actually being piped into the creek, it may not have been an issue. The impacts to the Lake and Pebble Beach have to be considered. This is a Conservation area that is subject to Planning Board review for land development. J. Sciarabba stated that they are here to find out and follow the process in order to move forward. CEO A. Backus stated that this is a very sensitive area. To satisfy any concerns such as erosion in the nearby tributary, or blue green algae in the Lake, you need to provide proof that you are not causing negative effects. If you have put the storm water into a retention pond, you need to show that its being released at such a rate not to have an adverse effect. When complaints or concerns come in, you need to prove that you have provided an engineered study showing it would not have any adverse effects. Also, the Conesus Lake Association will want assurance that the grapes aren't being treated with any pesticides that will run off into the Lake. Attorney J. Campbell stated that moving forward that will be apart of the Site Plan for the proposed Production facility. CEO A. Backus stated that we need to catch up on what has already been done along with your future plans. J. Sciarabba stated that will be addressed with a storm water management study. J. Sparling asked for clarification on where the existing Vineyard is now, and asked if the area around the Vineyard and grape plants is being mowed. P. Bruckel stated that the area where the grapes are growing now is being mowed. Attorney J. Campbell stated that we need to clarify the process moving forward. Drainage is going to be a big concern for the people on Pebble Beach Road, the Conesus Lake Association and DEC. We need the Site Plan to reflect engineering for all of that. J. Sparling stated that in regards to the tasting room and party room, there are concerns of discharging sewage down that side of the hill towards the Lake as there are already concerns on the other side. It can't handle the current volume that is already there. Attorney J. Campbell stated that the applicant will have to coordinate with the Livingston County Water and Sewer to address those concerns. J. Sciarabba stated that he has already reached out to the LCWS regarding this proposal. They will be asking them to provide daily water use, maximum water use with 300 people at the site, volume and how many vents they will have. Attorney J. Campbell stated that we know that there is going to be phases to this project, but doesn't want to segment the review. We want to think broadly from a Site Plan stand point in order to give the applicant the ability to look towards the whole planning process now, which will be more

LIVONIA JOINT PLANNING BOARD

August 13th, 2018

predictable for us in terms of the review. Thoughts & concerns about the future events facility should be part of the planning consideration, rather than doing a Site Plan amendment later. Lighting, noise, hours of operation should be considered now as apart of the proposed future phase. CEO A. Backus stated that would also tie in with the permitted uses for this Zoning District. J. Sciarabba stated that he agrees with that, and will be reaching out to Agriculture & Markets to see if they can provide any assistance with this project. They want to make sure that since they are going to this extent of engineering, that there is not going to be any issues with the Zoning Code for this district. They want to be able to construct the Production facility now. CEO A. Backus asked if the Production facility will have retail sales. J. Sciarabba confirmed it would, along with some events. P. Bruckel stated that this past Sunday they had a meet & greet at the proposed location. It was primarily the residence of Pebble Beach Road. They wanted to invite the neighbors, and provide them an opportunity to share any concerns they might have. J. Bruckel stated that the only concern was the access from Pebble Beach as a road. They have no plans of any access roads coming off from Pebble Beach Road. The neighbors were all made aware of the Planning Board meeting for tonight. CEO A. Backus asked if the people who were overly concerned about the building of J. Bruckel home, if they were involved in this meeting. J. Bruckel stated that they did meet with those neighbors who showed concern. The Donnelly's, Kosakowski's, Lucas & the Bodekors. Attorney J. Campbell stated that he will be carefully reviewing the permitted use for this district. There are a lot of restrictions in the Ag & Markets, in terms of the ratios to earnings of the different components of the business. These are items that need to be consider. There may be different options how to address the use, some of them are very dependent on whether or not the project is going to be embraced or opposed by the nearby community. For example, if the Town Board wanted to consider legislatively changing the permitted uses to create something that would accommodate these types of uses in our community, will that be met with support or opposition. The answer to that indicates whether this is a possibility. It makes sense to continue the outreach to the neighbors in the area. Attorney J. Campbell stated that the Planning Board will be discussing this proposal, he will be reviewing with CEO A. Backus and the Town's Engineers along with Land Tech. He will provide an opinion whether they can achieve their future plans, and what are the choices in terms of different routes. CEO A. Backus stated in terms of a preliminary review, the Events Center would not be a permitted use. He has reached out to Ag & Markets to insure we go down the right path. Jim Strauss of Grayshores Road stated that he has been in the community for thirty years. What P. Bruckel is proposing to do is a phenomenal idea. He has spoken to everyone he knows on Grayshores, and everyone loves the idea. If you come down West Lake Road on a Thursday night and see the people who are going to Deer Run Winery, we can see the interest that people have in wanting to come listen to music, have a glass of wine and have fun. It has been very well received by the township. He is yet to speak to someone that doesn't think this is a good idea, other than the concerns already mentioned, and being addressed regarding the drainage. Bruckel's Winery proposal is a great idea! Attorney J. Campbell stated that is very helpful. If that could be documented, it might create some streamline options in terms of figuring out the use issue. CEO A. Backus is correct in that what is being proposed in the future is not supported by our Code. J. Strauss asked if he were able to obtain the support of 1000

LIVONIA JOINT PLANNING BOARD

August 13th, 2018

people out of the 1800 that live on the Lake, if that would show the support that the Town Board would consider. Attorney J. Campbell stated that would certainly help. CEO A. Backus asked when it would be appropriate to conduct a Public Hearing, ensuring the public had a chance to weigh in on the proposal. J. Sciarabba asked if they should meet with the Town Board informally to get their feedback about a possibility of a legislative change. How does he accomplish getting the 5000 Sq. Ft. building approve, still keeping the overall picture? They want to build this building regardless if the rest ever becomes reality. They are hoping to get the production site built before winter. CEO A. Backus stated that they should prepare a comprehensive plan how the building is going to be used. P. Bruckel stated that the building will be used strictly for production only, no events or retail sales. Attorney J. Campbell stated that if was a stand along application, its straight forward agricultural operation, production building. There are no issues with location or setbacks, just drainage to be addressed. Attorney J. Campbell asked if the Planning Board was comfortable entertaining an application for just the production building, knowing that the future plan is something more significant. It could be that the production facility gets approved and that could be the end of it. J. Sparling asked what the grape waste was. P. Bruckel stated that the only waste is the grape skins, which will be picked up and taken away from a vendor that will use them. Attorney J. Campbell stated that in regards to advancing the application for the production facility, we will require the Site Plan application and the drainage study that would include the master plan. He would also like to have SEQR addressed with the Production Facility application, and to include the master plan and overall potential impact. J. Sciarabba stated that he thought it was listed on the SEQR in checkbox number 2, which states that if doesn't meet the legislative requirement part of the Code, SEQR cannot be voted on. Attorney J. Campbell stated that the Production Facility does meet the legislative Code, but were not willing to forgo the big picture review of the most important issue, which is drainage. You might have an oversized drainage plan for what is approved. CEO A. Backus wanted to make clear that this is above and beyond the normal, as far as drainage concerns for this type of application due to the location. We want to make sure that the water is not dumping sediment into the Lake or eroding Hanna Creek. According to Agriculture and Markets, farmers are not exempt from controlling their stormwater discharge. J. Sciarabba stated that he understands the sensitive nature of the location, and feels they will be able to provide everything the Town needs from an engineering stand point. J. Sciarabba asked if a Public Hearing was needed. Attorney J. Campbell stated that we will first need to have a preliminary Site Plan application. Once there is a Public Hearing, that would trigger timing restrictions. It could be an informal public meeting or be included with the Town Boards open session to give people a chance to weigh in. CEO A. Backus stated that he wants all interested entities to be able to weigh in, such as the Army Corps, DEC and Livingston County Planning Board and Conesus Lake Association. Chair R. Bennett stated that under the ARC-3 Zoning District, this will be considered a farm operation with a Production Facility. The Planning Board would want to see a Site Plan application, SEQR and a drainage plan for the Production facility. This would also include hours of operation, noise, lighting and parking. D. Richards asked if in the future they plan to have any bands at the event center? P. Bruckel stated that they have no plans to have any music outside. If there is a wedding and someone wants to have a band, they will keep

LIVONIA JOINT PLANNING BOARD

August 13th, 2018

it inside the event center. If they do decide in the future to have music, they had thoughts of building and amphitheater on the hill going down towards the grape fields. Chair R. Bennett reminded, that would require prior Site Plan approval. Chair R. Bennett asked what the traffic levels will be for the Production Facility, and what the frequency of large trucks to the facility would be. Spencer stated that there would be one big truck once a year. Chair R. Bennett stated that they now have a starting point of what is required to proceed with Site Plan application. J. Sciarabba confirmed that he will be providing the full Site Plan application that will include drainage reports, hours of operation, parking, lighting. He will work with Attorney J. Campbell legislatively if needed for the future development phase. Attorney J. Campbell stated that he would like to have their complete application by the end of August, so he is able to make the submission to Livingston County Planning Board by their September 4th deadline.

With no further questions, Chair R. Bennett asked for Motion to adjourn the meeting at 8:03 p.m... Motion to adjourn: M/2/C (J. Palmer/ J. Sparling) Carried 4-0

Respectfully Submitted,
Alison Houk, Recording Secretary