

**LIVONIA JOINT PLANNING BOARD
AUGUST 14TH, 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 – June 12th, July 10th & July 24th, 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 June 12, July 10th & July 24th, 2017. Chair R. Bennett asked for a motion to approve. M/2/C (J. Palmer/J. Sparling) approved as submitted. Carried 7-0

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.

CEO A. Backus read the Public Notice:

PLEASE TAKE NOTICE that the LIVONIA JOINT PLANNING BOARD will hold a public hearing on Monday August 14th, 2017 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Old Stump Blower Cider works, for Site Plan approval according to the Zoning Code of Livonia. This proposal is for a modification to a previously approved site plan. The property is located at located at 5901 Big Tree Rd., Livonia, New York, and is zoned Gateway Commercial (GC). The application is on file in the Building Zoning Department in the Livonia Town Hall, 35 Commercial Street, Livonia, New York, for public review. All interested parties will be heard at this time.

CEO A. Backus polled the Board for site visits:

Chair R. Bennett:	Yes
D. Andersen:	Yes
R. Haak:	Yes
J. Palmer:	Yes
D. Richards:	Yes
D. Simpson:	Yes
J. Sparling:	Yes

Chair R. Bennett stated that while Old Stump Blower has had a positive effect on the neighborhood, there have been conditions that they have needed to follow, there have been some complaints and they are here to discuss revisions to their current Site Plan. Chair R. Bennett reviewed the conditions of the Conditional Use Permit. Hours of operation are 12 pm – 6 pm

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from November 15 to April 15 and 12 pm to 9 pm from April 16 to November 14. No outdoor events or music and no outdoor storage. Parking to accommodate 16 vehicles, as outlined in letter with map dated 8/24/15. Grade changes or drainage changes are prohibited. Future modification is required to be approved. It has been brought to the Board's attention that there have been several outdoor events, music with the overhead doors opened and those items need to be addressed. A walk-in cooler has been added, which required prior review to insure setbacks have been met and approval. A trailer body has also been added that is used for storage, which is prohibited by Code. A farm market trailer was added and raised bed planters, both of which required prior approval to insure proper drainage regarding the planters. Chair R. Bennett stated that the outdoor events are the biggest issue. The Board is requesting a formal proposal of what their future requests are.

Elise Barnard stated that they are requesting that their hours be approved for 12pm – 11pm Monday through Sunday, year round to allow for the most beneficial hours of operation. They would like the approval to be able to change their hours seasonally based on traffic and profits, and would like to be open to allow for longer events and give traffic time to disperse. D. Richards indicated that 11 pm is too late. R. Haak stated that the proposed hours should not be year round and that they were not approved for music or events. Chair R. Bennett stated that they were approved for tasting, not a party house. You are also limited on the amount of drinks you can serve to each customer in a day, per your liquor license. Chair R. Bennett also stated that operating in the evening would require lighting, as a safety issue. E. Barnard stated that they are not limited on how much they can serve, and clarified that a tasting flight will have no more than 16 oz. They are not restricted on how much they can serve. They are also requesting the ability to open both west facing overhead doors during events and music acts to allow for ventilation and light, this was in their original proposal. This would allow patrons on the patio to enjoy the music and provide a more enticing façade for through traffic. The Patio was intended to add appeal and convenience to their building, in addition to creating a beautified façade to attract more customers. It also provides additional seating and space for patrons during the warm weather months. Patrons will be able to sit outside, drink and play board games and enjoy the lake. Chair R. Bennett stated that the problem was not with opening up the doors, but having music and opening the doors, which then interjects the music into the neighborhood. The Conditional Use Permit specifically states no outdoor events or music. They have added a walk-in cooler and storage container behind the building in an attempt to limit the amount of totes and equipment outside the building. This also provides a larger storage area for the kegs and cider. They are exceeding their expectations for the patrons and the tasting room and have had to expand their storage capabilities to house additional cider quantities to fulfill the demand. R. Haak stated that you are supposed to be a tasting room where patrons can come in to taste the different cider, buy a growler and leave. It seems like the business is operating like a bar. J. Barnard stated that they would offer a pint beverage to be purchased for patrons to take with them. It's hard to make a profit if people don't want to stay and purchase their product. D. Andersen asked, with or without a tasting, patrons are able to make a purchase for whatever you have on tap. E. Barnard stated yes, they can purchase a pint without it being a tasting flight. People do stay and they are happy they want to be in the atmosphere they have built. J. Sparling stated that if people are coming in and buying a drink and staying, isn't that the definition of a bar? E. Barnard stated that she doesn't look at this as being a bar. Chair R. Bennett stated that his impression was that when doing a tasting you are given a card, every time you make a

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purchase, the card would be stamped. Once the card was filled, you cannot purchase anymore as there is a limit on how much you can consume. He also stated that the tasting size can vary, depending on the place. The idea was to have people try their product and then purchase. CEO A. Backus stated that we need to come to a solution that is a balance between what they are asking for and what is approved and will work within the community. No one has ever indicated that they are anti progress or anti Ciderworks. CEO A. Backus also stated that the complaints that came from the neighbors were not expressing their displeasure with the business itself, the complaints were regarding the loud music, loud people and bad/inappropriate language. The Board was provided a signed letter from the immediate neighbor stating that the issues he had were promptly resolved. OSB installed a privacy fence along the property line in an attempt to provide the neighbor with greater privacy and worked to correct all issues and have come to a collective resolution. The letter was signed by the neighbor in agreement. D. Simpson stated that OSB needs to provide the Board with their requests for the future. They will need to have some type of long term storage. E. Barnard stated that the totes used to transport the juice were being left outside which created a problem of bugs and needing to be washed out all the time. They are using the trailer body to store the totes so they will stay clean. CEO A. Backus asked if a storage shed was an option. J. Barnard stated that they really needed something on a larger scale that would accommodate the totes and the kegs that need to be washed. Chair R. Bennett advised working with CEO A. Backus on an acceptable approved storage solution.

Chair R. Bennett stated that the Ciderworks needs to prepare a formal proposal that specifically states their requests. It should include traffic and parking plans with signs being posted for overflow and a parking attendant. The Patio and what days they are requesting events and music. How many times a year they are asking to have a tent. The walk-in cooler location for setback requirements and storage trailer body. A plan for controlling noise, such as the type of music, open mic night and restricting no sub woofers allowed. Hours of operation during the summer and what times the music, if approved will be ending. Since there will be operation in the evening, lighting will also need to be addressed.

Chair R. Bennett opened the Public Hearing. He asked that they state their name and address for the record.

Robin Price of the Lakeville Liquor Store stated that she felt the traffic on Labor Day would not be an issue. Usually by the second week in August, most summer lake residents are gone as their children are getting ready to head back to school. By Labor Day, it is just the normal traffic. She feels that people on the Lake are very tolerant to noise until a certain time at night and from Memorial Day through Labor Day. She stated that she has been working at the Liquor Store until 11pm and has not heard any music coming from the Ciderworks or any complaints regarding the music. She has noticed a lot more people on the premises, milling all over and more parking.

Mike Parker of 5894 Big Tree Road. He is not objecting to the business. He feels that things were misrepresented at the meeting back in 2015. It was stated it was not going to be a bar. People were going to come, sample and leave and that didn't happen. The special events keep happening, it specifically said in the minutes there was to be no music. He went online and looked at the NYS Liquor Authority regarding the flight of five. The guide lines for tasting

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ciders states under Article 4, section 59A, no more than 3 samples of cider be provided to a person in one calendar day. No sample may exceed 3 fluids.

Last Wednesday there was an open mic that went until almost 9:45pm. You could hear it from across the street, along with the patrons yelling “yeah”. He likes to have his windows open at his cottage and doesn’t like hearing the noise. On July 14th, they had an advertised band on their Facebook page from 7-10pm. One band played until 8:15pm, then another band came on and played until 9:50pm when someone yelled “on core”. There were still people yelling and in the area until almost 11pm. It becomes very bothersome. On Friday of Memorial Day weekend, there was a sign staying overflow parking at Hook & Spoon & Exxon Gas station. On Saturday, Hook & Spoon had barricades across their parking lot. He wasn’t sure if Hook & Spoon decided not to give them permission. These are examples of the activity happening at the Ciderworks.

J. Sparling asked if when they had open mic night, if there was any music playing or just an individual. M. Parker stated he heard a guitar and a couple of individuals. CEO A. Backus stated that M. Parker has expressed some of his frustrations; and wanted to know if he had any opinions as far as what might be a possible balance; what might work with other neighbors like himself? M. Parker stated, knowing what their guidelines are... They advertise 12-9pm and continue until 10 pm with people still there at 11pm. He wonders what else is going on that was not approved. J. Sparling stated that is why they are here, because they have exceeded the terms of their Site Plan and were asked to return so guidelines could be put into place. M. Parker stated that he is aware that there are many people who do look at the Ciderworks as a bar, and want to go there after work to blow off some steam. That is not what was told and agreed to back in 2015. To know that there will be a shut off time would be very helpful. R. Price asked if the State Liquor Authority dictated times to be open like they do for the Liquor Store. M. Parker stated, not that he found. R. Price asked the Ciderworks if they had certain hours they could be open. E. Barnard stated no. She stated that they could stay open until 2 am if they chose to. They have a New York State Farm Winery License which allows them to serve any New York State farmed wine, liquor and beer. CEO A. Backus stated that the Ciderworks has a New York State Marketing permit, a New York State Farm Winery License and a Certificate of Authority from New York State Tax & Finance. R. Price asked if they were governed to operate under the same hours as the Liquor Store, as they cannot be open until 2am. E. Barnard stated she would look into that, but felt they could stay open until 2 am if they wanted.

Chair R. Bennett stated that the Ciderworks needs to come back with clarifications on the discussed issues. We will place them on the next Planning Board Agenda date of August 28th, 2017. The Public Hearing remains open.

With no further comments Chair R. Bennett asked for a motion to adjourn the meeting at 8:32 p.m... M/2/C (R. Haak/J. Sparling) Carried 7-0

Respectfully Submitted,
Alison Houk, Recording Secretary