

LIVONIA JOINT PLANNING BOARD
October 28th, 2019

Present: Chair Bennett, D. Andersen, J. Brown, R. Haak, CEO A. Backus, Zoning Assistant Julie Holtje, Attorney J. Campbell & Secretary, A. Houk.

Excused: J. Palmer, J. Sparling, L. Willoughby.

Agenda:

- 1) *Approve the meeting minutes – July 22, 2019***
- 2) *Camp Stella Maris – 4395 East Lake Road, Livonia, NY***
Concept.
- 3) *Bridge Creek Vineyard – West Lake Road, Livonia, NY***
Concept.
- 4) *Prometheus Farm & Market – 5804 Decker Road, Livonia, NY***
Site Plan.

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

1) Approve Meeting Minutes for July 22, 2019. Chair R. Bennett asked for a motion to approve. M/2/C (R. Haak/D. Andersen) approved as submitted. Carried 4-0

2) *Camp Stella Maris – 4395 East Lake Road, Livonia, NY*

Chair R. Bennett asked John Quinlivan, Executive Director to come forward to explain their proposal for the outside Chapel & Amphitheater. J. Quinlivan stated that one of their Board Members, Brian Denney was also present. They are proposing the construction of an outdoor Amphitheater, stage, fence and bathroom. The Camp started 94 years ago, in 1937. St. Jude's Chapel was built at that time, and served their needs for many years. In the 1990's the camps population grew and they were forced to hold the services outside, having the children sitting on the ground. Over the past two years, they have assessed their growth and determined the need for an outdoor Chapel. D. Andersen asked for clarification of the project site. J. Quinlivan stated that it will be located near the corner area of East Lake & VanZandt Roads, east of the parking area. The project consists of four elements, with the Amphitheater being the main focus. The terrace seating was designed by Al Roome, of Alandscape & Design. It will be constructed using timber bench seating, with gravel and mulch on top of that. They do not anticipate any run off from that type of construction. A two-stall bathroom will be built next to St. Jude's Chapel to be used during Mass. A foundation would be dug, and sewer lines would be installed that would tie into the main sewer on East Lake Road. Plumbing still exists from the Nun's house that was tore down in 2006, which they would tie back into.

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They will run water and electricity from the existing bathrooms, which are approximately 50' away. A Stage/Alter would be built with the same roof line as St. Jude's Chapel, which would be constructed with a timber frame. The last phase would be a fence located between the creek and VanZandt road. They are requesting an 8' tall fence, to stop distraction of children sitting in the Amphitheater. This will also help with the sound of cars traveling by, and provide privacy for the worship space. They have contact Lu Engineers to help them provide a storm water and erosion plan. Obtaining this plan is about a month away. They will have campers coming in June, which puts their building schedule very limited. They are asking for approval to begin building prior to the storm water management plan is complete. They would like to start on the foundation, plumbing and the Terrace work, prior to the storm water report. CEO A. Backus stated that if the Planning Board was inclined to grant approval, a condition may be that the storm water report, and noise concerns would be addressed prior to any building. CEO A. Backus as if they were intending to hold outdoor concerts. J. Quinlivan stated there are no plans for concerts or theatrical events, this area will be designated as a worship space. Chair R. Bennett stated that this application would be considered a modification to the Site Plan. CEO A. Backus stated that the site is mostly pervious, with the exception of the small roof and the bathrooms. There will not be a lot of change in the run off. Erosion control needs to be accounted for, especially with the creek running into a major tributary. Chair R. Bennett asked what the total area of disturbance would be. CEO A. Backus stated it will be less than an acre. D. Andersen asked for the timing of when the project would be complete. J. Quinlivan stated the middle of June, prior to camp starting. D. Andersen stated that it will be a nice complement to the camp.

Chair R. Bennett asked for a motion to approve the modification to Site Plan, conditional upon the approval of the storm water management & erosion control. The Fence will require Zoning Board of approval for a Variance. The Planning Board recommends in favor of the Fence. Motion to approve: M/2/C (R. Haak/J. Brown) Carried 4-0

3) *Bridge Creek Vineyard – West Lake Road, Livonia, NY*

Chair R. Bennett asked Justin Bruckel, & John Sciarabba of Land Tech to come forward to explain the proposed concept plan. J. Sciarabba stated that they attended a Town Board Meeting a couple of weeks ago to request a re-Zoning for this project. J. Sciarabba stated that the Town Board looked favorably on the concept, but requested a conceptual Planning Board review of the project. The site is 59+ acres located on the east side of West Lake Road, just north of the Lakeville Airport, and at the north end of Conesus Lake. The project site is approximately 30 acres located to the north of J. Bruckel newly built home. It is Zoned Agricultural Residential Conservation (ARC-3) District, but has been maintained primarily as agricultural for many years. The site has access to public water, sanitary sewer and electric. They plan to develop a vineyard, which will feature a premier, state of the art event center, a wine production facility and cottage style villas that will be for rent. They will serve weddings, event planners, and wine enthusiasts to create a unique and engaging experience for all their customers.

Phase one of the project will include the construction of a 9000 Sq. Ft. event center with a walk out basement. The main floor will be used for a wine tasting bar, a merchandise area, and deck

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with views of Conesus lake. The walk out basement will be used for smaller events such as bridal/bachelor parties, retirement, birthday and family reunions, etc. This area will accommodate up to 100 people. Until this building starts generating income, they may use the downstairs area for the production area. Initially, they will offer an area on top of the hill where a larger, enclosed tent can be erected to accommodate up to 300 people. They will end the air strip at J. Bruckel's driveway, so no airplanes will be active beyond that point.

Also incorporated into phase one, will be the construction of a 5000 Sq. Ft. production facility. This will allow them to produce quality wines that can be enjoyed while visiting, or to take home. They will also integrate a flat area to the east of the event center, positioned downhill. This area will include a pergola facing west back towards the event center, and will be used for wedding ceremonies, live music and picnics. Most music will be played within the event center or tent, but on occasion there will be outside music for people to enjoy.

Phase two of the project will include the construction of approximately 15 on-site cottages. The Cottages will be 2- 1100 Sq. Ft units together. They will be used for week day and weekend rentals, not as several month rentals. R. Haak asked if people could rent the cottages that weren't having an event there. J. Sciarabba stated that anyone can stay, the cottages are for getaway weekends or bed & breakfast. It will also include an additional 1.5-acre pond that will serve not only for drainage purposes, but as a backdrop for the cottages. When Bridge Creek Vineyards is up and running, it will aid in creating approximately 15 new jobs associated with phase one. Once phase two is complete, it will offer approximately 10- 20 additional jobs. The wine tasting room will be open 5 days a week from 11am to 5pm, with longer hours on the weekends. The event space will be open from 4pm-9pm, with the weekends being heavy, with the occasional 1-2 events during the week.

The site is located on a State road and has access to all public utilities. Sewers have been run up from Pebble Beach Road, and there is water on the site. The plan is in the initial stage and prior to completing further Engineering studies, they would like to obtain re-zoning approval first. They are requesting that the northern portion of the parcel be re-zoned to Gateway Commercial. They intend to leave a buffer that would remain ARC-3 near the Pebble Beach area.

J. Brown loves the idea, but feels that what the current Zoning is now, is far from what they are proposing. She is concerned about the people who currently live in that area. J. Sciarabba stated that J. Bruckel has went door to door in the neighborhood, and handed out pamphlets explaining their concept. He held a party at his house with many people from Pebble Beach and the area, showing them their plans. The Town Board will also hold a Public Hearing during the re-zoning process, which will allow the public to voice any concerns. Their plan will be similar to the Deer Run Winery across the road. R. Haak stated that this is a bigger scope than what is located across the street. Attorney J. Campbell stated that the concerns at the Town Board level are when there is re-zoning, there is a change in use for that area. Commercial Districts allow such uses as a 300 room Hotel. There would be measures placed to restrict those types of development. It would likely result in some Deed restrictions favoring the Town of Livonia. It would become part of the chain of title for that whole property, that would limit its use to prevent certain characteristics the Town Board would be concerned about. Some of those concerns will be off the table when it reaches the Planning Board for Site Plan consideration. The Town Board

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is interested in the Planning Boards thoughts in that regard. To ensure they are aware of any concerns they should be aware of when considering the re-zoning process. J. Brown asked about a Conditional Use Permit. Attorney J. Campbell stated that a Conditional or Use Permit assumes that the use is permitted. It would need to be a permitted use within the current district of ARC-3 in order to be considered a option. The options are that the Zoning district boundaries are changed or require a Use Variance, which is virtually unobtainable. The Town Board is the appropriate avenue to determine if this type of use is appropriate in this area. J. Brown felt that other venues with similar plans, (Twin Silo's & Wingate Barn) obtained a Conditional Use Permit. Chair R. Bennett stated that with those venues, there were pre-existing structures and Ag & Farm were looking to retain those structures as an alternative use. It is a similar situation regarding the concerns of the sound, hours of operation and disturbance at night. We will want to put similar restrictions as with those venues. Attorney J. Campbell stated that will definitely be an important part of the Site Plan review, to consider noise, hours of operation and drainage, due to the proximity to tributaries that flow to Conesus Lake. Chair R. Bennett stated that he would look at a Deed restriction between this property and Pebble Beach, to keep the residential buffer. We have learned from the Hook & Spoon what can happen when you put music on the Lake. The Town Board is looking for the Planning Boards feedback from a Planning, Site Plan prospective. The re-zoning is completely at the discretion of the Town Board. J. Sciarabba stated that they are fully aware of the concern with the noise and will be limiting the hours of operation to ensure the sound concerns are addressed. Chair R. Bennett stated that the at the last meeting with Bridge Creek Vineyard, the Planning Board felt it was a reasonably good idea. There will be the same type of conditions placed on this plan, as on similar event centers. R. Haak & J. Brown share concerns about the neighbors. R. Haak stated that the Cottages need to be further reviewed. J. Sciarabba asked what the concerns were regarding the Cottages. Attorney J. Campbell stated that there has been a lot of sensitivity around short term rentals, especially in the Pebble Beach area. A lot of concerns can be addressed with proper management. CEO A. Backus stated that some of the concerns with short term rentals were related to absent landlords. J. Bruckel stated that they would be monitored nightly, as he lives near the site. D. Andersen stated that the Cottages would answer a need in the area. Other than renting on or around the Lake, there is the Rodeway Inn in Lakeville or a Hampton Inn located in Geneseo.

Attorney J. Campbell also clarified in regards to the Conditional Use Permit in lieu of the re-zoning. Although that is not applicable to do the Conditional Use Permit in place of the re-zoning, this approval process may still involve the requirement of a Conditional Use Permit. Chair R. Bennett stated that the consensus is that, the Planning Board would like a means and method to be able to regulate. Attorney J. Campbell stated that CEO A. Backus, and the Building & Zoning Department will summarize the Planning Boards thoughts, and forward a memo to the Town Board on their behalf. The application will require a Public Hearing regarding the re-zoning.

4) Prometheus Farm & Market – 5804 Decker Road, Livonia, NY

Chair R. Bennett asked Robert Gallagher and Attorney Steven Sessler to come forward. Attorney S. Sessler stated that they were here to discuss the use to what is currently a farm located in an ARC-3 District. They are requesting to further the farm operation under the

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Agricultural and Market law, as well as under the “Right to Farm” provisions of the Town Code. There is on-site farm production taking place and this deals with both marketing and public access to certain parts of the farm operation, known as Agritourism. The sale of many of the products produced on the farm, as well as products and values that are enhanced by preparation such as washing and cooking. They are here to discuss and request what information the Planning Board would like to see in the Preliminary Site Plan. R. Gallagher stated that they own two properties, located at 5804 and 5816 Decker Road. Both are located within the ARC-3 District. A permitted use within this district is a Farm operation. As a farm operation, it consists of Agricultural practices as stated in Chapter 71 of the Town of Livonia Code, which speaks of the generally accepted Agricultural practices, and refers to the Ag & Markets publication 25 AA301. The farm consists of a residence, garden & barn located on the 5816 Decker Road parcel. Located at 5804 Decker Road, there is a newly constructed Ag Building, deck, and parking lot with driveways. They hope to build a Greenhouse & Restroom next year. They are deciding whether to build a compost type restroom, or septic. They have on-site, a raised bed drainage field to accommodate, if needed. He has consulted with Kevin Dyke, from the Department of Health regarding the ideas for the proposed restroom. As accepted Farming practices, they will have production, processing, direct marketing and Agritourism, which will relate to agriculture. Chair R. Bennett asked Attorney J. Campbell what the Planning Boards jurisdiction would be. Attorney J. Campbell stated that it is a very complex area of the law. We have reviewed the Town Code in relation to the ARC-3 District. Attorney S. Sessler referred to the “Right to Farm” law, which is external from the Town’s Zoning Code. The “Right to Farm” shows the mindset of what the Board’s should be thinking and analyzing with this type of farm operation. Attorney J. Campbell stated that they have also reviewed the Ag & Market laws. At this time, this application is not motivated under Ag & Markets law, due to it not yet meeting their criteria. We will be proceeding ahead with the local Code, and then under the Ag & Markets law. The goal of Ag & Market is to promote agriculture as a business. The promotion is not intended to be unreasonably restrictive at the local level. It doesn’t mean that health, safety & welfare cannot be regulated, or that you can’t have a Site Plan review. After reviewing with CEO A. Backus, the conclusion of what they would like to do, constitutes the kind of activity that would be anticipated under the Ag & Market as part of a farm operation, including the Agritourism aspect. From the Site Plan stand point, this Board will be tasked with looking at items such as safety and parking. This meeting is intended to obtain any concerns or questions the Board may have prior to them returning for a formal Site Plan application.

Attorney S. Sessler stated that on this farm there is production currently taking place. They are growing fruits and vegetables, eggs, cut flowers, ornamental plants and Christmas trees. They are also planning to implement processing, such as cooking, washing and packing of the production items. The cooking is regulated by the Department of Health, which they have been in contact with to discuss a kitchen facility, and their vision. There will be direct marketing and on-site sales. When people come to the farm, they can visit animals, and view where the products for sale were grown. In order to get people to visit, you need to have some Agritourism events. It could be a corn maze, Halloween event such as a hay ride, workshops to demonstrate how items grown on the farm could be cooked or preserved. They anticipate hours of operation to be limited to 10am to 6pm. There would be no overnight sales. They may have an overnight event such as a Halloween or Christmas program. There will be limited seasons of operation due to the weather. They anticipated regular hours from May through October. CSA Distribution

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would be year-round. R. Gallagher explained that CSA distribution is community supported agriculture. People that have an interest in the farm would put money upfront as a commitment to support the farm. There are different models such as the person would receive a basket of vegetables when they are harvested, or they could come in and pick what they want. The idea is that they commit to the farm. Chair R. Bennett stated that Cicero farms has something similar to this idea. R. Gallagher stated that in addition to the 12 acres that they own, they also have rented land and facilities, such as a Greenhouse. That will change in the future. His goal is to be a certified New York State Farm Market. If you have certain percent of your products coming from New York, you qualify to be a Certified New York Farm Market. As a certified Farm Market, they will monitor and inspect the farm to check for insecticides being used and how well the produce is cleaned, there are strict standards. R. Gallagher stated that he is very concerned about safety as he is the person who is liable. He has tried to anticipate and address any issues or concerns, but welcomes any feedback from the Planning Board. Attorney S. Sessler stated that some of the items they will include in the Site Plan will be the hours of operation, parking, sanitation and waste water, and kitchen maintenance within the Department of Health standards. They are asking the Board for recommendation on what should be included in the Site Plan, and if there are any concerns that should be addressed. R. Gallagher stated that this Site Plan will be very similar to the one they submitted in 2017. They will have produce, bake goods, specialty drinks, such as coffee which will all be moved inside. J. Brown asked about a limit for capacity. She has been to other farm markets where there are hundreds of cars. CEO A. Backus stated that the parking lot plan will cover these concerns. Chair R. Bennett stated that the Site Plan should include safety, parking/traffic & overflow parking plan, impervious surfaces, drainage & erosion control. visibility for ingress and egress. Setbacks of the buildings, and how the trails will be constructed. Any future changes beyond the Site Plan would require returning to this Board for approval. This is a unique situation, since there is more interface with the public. CEO A. Backus stated that he has already received concerns from the neighbors regarding the farm operation. The on-site housing and campers for the employees, and moving operations inside will need to be addressed. Attorney S. Sessler stated that there is a newly built barn that they would move the market into. This would be considered a farm market, rather than farm stand. CEO A. Backus stated that an agricultural Permit was requested for this barn, with a signed statement that it was for storage of agricultural products. It was never mentioned that public would be going into the barn, that would contradict the Ag permit exemption. The signed Agricultural Building Permit Exemption form was signed by R. Gallagher with the statement that "This exemption form does not exclude the above referenced work from any Zoning, Planning and/or local construction Permits or approvals or any Permits required by a County, State or Federal Agency. Attorney S. Sessler stated that it is currently used for storage, with anticipating the use with regard to the Site Plan, turning into public access. CEO A. Backus stated that will open up the Building Code and Mercantile aspects as well. R. Haak referred to the sketch that shows the barn that indicates processing, storage and distribution, and asked for clarification. Attorney S. Sessler stated that the storage would be the product coming from the field, the processing would be the kitchen and the distribution would be coming to view and purchase items for sale. R. Haak stated that on the Agricultural Building Permit Exemption form, under the description, states that "the term shall not include habitable space or spaces in which agricultural products are processed, treated or packaged and shall not be construed to mean a place of occupancy by the general public. Attorney J. Campbell stated that they are going to change use of the barn. The Permit exemption form may no longer be relevant with the proposed

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changes. There are other components that will have to comply with changing from the Ag exemption. CEO A. Backus stated that the barn will need engineered plans and be inspected to ensure Code Compliance. R. Haak asked about the campers located on the property. R. Gallagher stated that there are two campers that are used for employees who work on the farm in trade for their help. There are 2 additional campers that are on the property that are restoration projects. R. Gallagher asked for a time frame on when he could expect a list of items requested for the Site Plan submittal. CEO A. Backus stated that he will allow the Planning Board one week to submit their comments or concerns, and he will review and forward a memo to the applicant regarding the Site Plan requirements.

Chair R. Bennett stated that the Site Plan should include Safety, parking/traffic & overflow parking plan, certified stamped engineered plans relating to impervious surfaces, drainage & erosion control, showing no adverse effects. Visibility for ingress and egress, lighting and hours of operation. Setbacks of the buildings, how the trails will be constructed and proposed events. Any future changes beyond the Site Plan, would require returning to this Board for approval. Once Site Plan has been reviewed by CEO A. Backus and Town council, the applicant will be scheduled on an upcoming Planning Board agenda for review of Site Plan.

With no further questions, Chair R. Bennett asked for Motion to adjourn the meeting at 8:37p.m... Motion to adjourn: M/2/C (R. Haak/J. Brown) Carried 4-0

Respectfully Submitted,
Alison Houk, Recording Secretary