

TOWN BOARD MEETING, TOWN OF LIVONIA

July 20, 2023

A meeting of the Town Board of the Town of Livonia, County of Livingston and the State of New York was held at Hemlock Park, 7412 Rix Hill Road, Hemlock NY 14466.

PRESENT: Eric Gott, Supervisor
Joseph Breu, Councilmember
Peter Dougherty, Councilmember
Andy English, Councilmember
Matt Gascon, Councilmember
Hayley Anderson, Clerk
Jim Campbell, Attorney, Town of Livonia

OTHERS PRESENT: Several Residents.

The Town Board meeting was called to order by Supervisor Gott at 7:01 PM.
Pete Dougherty led the pledge.

PUBLIC HEARING ON COMMUNITY DEVELOPMENT NEEDS

Following distribution of the proposed grant application to the Town Board members on June 15, 2023 notice of said Public Hearing was duly published in the Livingston County News on July 6, 2023, with same being posted on the same date at the Town Hall, and Livonia's web site.

Clerk Anderson read the Notice of Hearing for the record.

Supervisor Gott declared the Public Hearings open at 7:04 PM.

Comments:

Supervisor Gott asked if anyone else from the public or the board wished to comment. Supervisor Gott stated that the public hearing would remain open and there would be another opportunity to comment before the hearing was closed.

With everyone who wished to be heard having been heard, the Public Hearing was closed at 7:42PM

RESOLUTION 107-2023
**INTRODUCTION AND SET PUBLIC HEARING FOR LOCAL LAW #4-2023
FOR AGRI BUSINESS**

LOCAL LAW NO. 4 OF THE YEAR 2023

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OF THE TOWN OF LIVONIA

A Local Law to amend the Code of the Town of Livonia, Livingston County, New York to modify various sections, including Chapter 71 Farming - Article I, §71-2 Definitions of such Code and provisions of Chapter 150 Zoning - Article I, §150-5 Definitions, Article V, §150-32 ARC-3 Agricultural Residential Conservation - 3 District, §150-33 ARC-5 Agricultural Residential Conservation - 5 District and to create a new section under Article VII to be known as “§150-69.1 Agritourism and Agribusiness.”

Be it enacted by the Town Board of the Town of Livonia as follows:

SECTION 1. TITLE AND SCOPE

This Local Law shall be known as “A Local Law to amend the Code of the Town of Livonia, Livingston County, New York to modify various sections, including Chapter 71 Farming - Article I, §71-2 Definitions of such Code and provisions of Chapter 150 Zoning Article I, §150-5 Definitions, Article V, §150-32 ARC-3 Agricultural Residential Conservation - 3 District, §150-33 ARC-5 Agricultural Residential Conservation - 5 District and to create a new section under Article VII to be known as “§150-69.1 Agritourism and Agribusiness.”

New definitions will be added and modifications will be made to existing definitions in Chapter 71 Farming - Article I, §71-2 as well as Chapter 150 Zoning - Article I, §150-5; new uses permitted with a Conditional Use Permit will be added to Chapter 150 Zoning - Article V, §150-32 ARC-3 Agricultural Residential Conservation - 3 District and §150-33 ARC-5 Agricultural Residential Conservation - 5 District; and a new §150-69.1 Agritourism and Agribusiness will be added to Article VII Regulations Applicable to All Zoning Districts.

SECTION 2. PURPOSE.

A. Authority. This Local Law is adopted pursuant to the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, Article 16, and Articles 2 and 3 of the Municipal Home Rule Law, to protect and promote public health, safety, convenience, order, aesthetics, prosperity and general welfare of the Town of Livonia in a fashion that is not inconsistent with the Comprehensive Plan of the Town of Livonia. This Local Law regulates the use of buildings and

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structures and the development and use of land within the Town of Livonia.

B. To these ends, this Local Law and the Article that it amends is designed to:

1. Enhance and regulate the orderly growth, development and redevelopment of the Town in accordance with a well-considered plan so that the Town may realize its potential as a place to live and work, with the most beneficial and convenient relationships among the agricultural, commercial, industrial, and residential areas within the Town and with due consideration to the character of each district and its suitability for particular uses; and
2. Protect and manage the character of the Town.

SECTION 3. MODIFICATIONS TO CHAPTER 71 FARMING - ARTICLE I RIGHT TO FARM – SECTION 71-2 DEFINITIONS.

The current §71-2 shall be amended such that the following new definition will be included in such section:

“FARM OPERATION

Shall have the meaning as defined in § 301 of the New York Agriculture and Markets Law (AML).”

The current §71-2 shall be amended such that the following definitions shall be amended as set forth:

The existing definition “AGRICULTURAL PRACTICES” shall be repealed and replaced in its entirety with the following new definition:

“AGRICULTURAL PRACTICES

Activities conducted by a Farm Operation which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, as defined in Article 25AA, § 301 of the New York State Agriculture and Markets Law.”

The existing definition “FARM” shall be repealed and replaced in its entirety with the following new definition:

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FARM

The use of a parcel of land of five acres or more for gain in the raising of agricultural products, trees, nursery stock, livestock, poultry or dairy products. It includes necessary Agricultural Buildings or Farm Buildings and the storage of necessary equipment. It also includes the use of a parcel of land of less than five acres, except that on such parcels the raising of fur-bearing animals, livery or boarding stables, dog Kennels and the raising of livestock for personal use or for sale and/or slaughter is excluded and therefore prohibited. No housing of poultry or stabling of livestock or storage of manure or other odor- or dust-producing material shall be allowed within 100 feet of any Lot Line separating the Farm from adjacent residences or other uses.”

SECTION 4. MODIFICATIONS TO CHAPTER 150 ZONING - ARTICLE I INTENT; APPLICABILITY; DEFINITIONS – SECTION 150-05 DEFINITIONS.

The current §150-5 shall be amended such that the following new definitions will be included in such section:

AGRIBUSINESS

Activities conducted on a Farm or Farm Operation that are dependent upon such Farm or Farm Operation, including, but not limited to, on-farm bed-and-breakfasts, farm stay programs, U-pick operations, seasonal events, pumpkin patches, farm kitchens, farm breweries, farm cideries, farm distilleries and farm wineries, and offering to the public, or to invited groups, the sale, production, processing or cooking of agricultural products, education, recreation or active involvement in the Farm or Farm Operation. An Agribusiness activity may be conducted in an Accessory Building where the use is secondary to the primary Farm or Farm Operation use on a property. The Alcoholic Beverage Control Law (ABC Law) provides the standards which must be met for farm brewery, cidery, winery and distillery licenses.”

AGRITOURISM

Activities conducted by a farmer on a Farm or Farm Operation for the enjoyment or education of the public, which primarily promote the sale, marketing, production, harvesting or use of the products of the Farm or

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Farm Operation and enhance the public's understanding and awareness of agriculture, farming and farm life.”

“FARM OPERATION

Shall have the meaning as defined in § 301 of the New York Agriculture and Markets Law (AML).”

“FARM STAND or FRUIT AND VEGETABLE STAND

An incidental and subordinate activity of a Farm, Farm Operation, Greenhouse or Nursery involving the seasonal retail sale of primarily locally raised agricultural products, and may include activities in which retail customers pick or select their own produce from the fields or growing areas.”

“FARM WOODLAND; FOREST FARMING OPERATION

The land used for the production of woodland products intended for sale, including but not limited to logs, lumber, posts and firewood. Farm Woodland shall not include land used to produce Christmas trees or land used for the processing or retail merchandising of woodland products.”

“GREENHOUSE, GARDEN NURSERIES or NURSERY (EXTERIOR)

A place where trees, shrubs, vines and/or flower and vegetable plants are propagated or grown for a period of at least six months and/or where flowers and vegetables of an annual variety are germinated before being offered for sale and transplanting. (This definition shall not encompass those retail establishments that buy most of their horticulture stock wholesale, not propagating it themselves).”

The current §150-5 shall be amended such that the following definitions shall be amended as set forth:

The existing definition “AGRICULTURAL OR FARM BUILDING” shall be repealed and replaced in its entirety with the following new definition:

“AGRICULTURAL BUILDING OR FARM BUILDING

A Structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products, or for the incidental or customary processing of farm products, and provided that such Structure is located on, operated in conjunction with and necessary to a Farm or Farm Operation, but not to include any Structure designed, constructed or used, in whole or in part, for human habitation or for Agribusiness or Agritourism.”

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The existing definition “AGRICULTURAL OR FARMING OPERATION” shall be repealed and replaced in its entirety with the following new definition:

“FARM

The use of a parcel of land of five acres or more for gain in the raising of agricultural products, trees, nursery stock, livestock, poultry or dairy products. It includes necessary Agricultural Buildings or Farm Buildings and the storage of necessary equipment. It also includes the use of a parcel of land of less than five acres, except that on such parcels the raising of fur-bearing animals, livery or boarding stables, dog Kennels and the raising of livestock for personal use or for sale and/or slaughter is excluded and therefore prohibited. No housing of poultry or stabling of livestock or storage of manure or other odor- or dust-producing material shall be allowed within 100 feet of any Lot Line separating the Farm or Farm Operation from adjacent residences or other uses.”

SECTION 5. MODIFICATION TO ARTICLE V, §150-32 ARC-3 AGRICULTURAL RESIDENTIAL CONSERVATION - 3 DISTRICT.

The current Section 150-32. D. of the Zoning Ordinance of the Town of Livonia is hereby modified and amended to include a new use permitted with a Conditional Use Permit, which such section is designated as “§150-32 D. (9)” and shall read as follows:

“(9) Agritourism or Agribusiness, in accordance with Article VII - Regulations Applicable to All Zoning Districts, §150-69.1.”

SECTION 6. MODIFICATION TO ARTICLE V, §150-33 ARC-5 AGRICULTURAL RESIDENTIAL CONSERVATION - 5 DISTRICT.

The current Section 150-33. D. of the Zoning Ordinance of the Town of Livonia is hereby modified and amended to include a new use permitted with a Conditional Use Permit, which such section is designated as “§150-33 D. (10)” and shall read as follows:

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“(10) Agritourism or Agribusiness, in accordance with Article VII - Regulations Applicable to All Zoning Districts, §150-69.1.”

SECTION 7. MODIFICATION TO ARTICLE VII – REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS.

The current Article VII of the Zoning Ordinance of the Town of Livonia – Regulations Applicable to All Zoning Districts is hereby modified and amended to include a new section designated as “§150-69.1 Agritourism and Agribusiness” and shall read as follows:

“§150-69.1 Agritourism and Agribusiness.

- A. Intent. To regulate Agritourism and Agribusiness in such a way that the rural character of the community remains intact while encouraging and protecting agricultural tourism at an appropriate scale and intensity. Development restrictions are intended to ensure compatibility with adjacent land uses and available public services, limit impacts on the natural environment, and ensure farmers’ rights to use these beneficial accessory operations in a way that enhances the community they are located in.
- B. All Agritourism and/or Agribusiness uses shall conform to the following conditions:
- (1) Comply with Article XV, Access Management, and Article X, Off-Street Parking and Loading Regulations.
 - (2) Comply with Article IX Landscaping, Screening and Buffer Regulations.
 - (3) Comply with all regulations and processes associated with Article XIV Site Plan review and approval by the Livonia Joint Planning Board.
 - (4) Minimum lot size to be 3 acres, plus any additional acreage determined by the Planning Board to be required in order to provide for possible future expansion and buffer noise, lights, etc. from neighboring uses.
 - (5) Maximum build-out for the site shall be determined by Planning Board.

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- (6) Permitted Agritourism or Agribusiness activity shall be and remain an Accessory Use to the Owner's Farm or Farm Operation.
- (7) Conditional Use Permits are subject to biannual review at the discretion of the Building and Zoning Department or the Zoning Board of Appeals and any such review may result recission of or modification to any previously granted Conditional Use Permit.
- (8) Applicant is required to provide to the Building and Zoning Department and to maintain accurate and up-to-date as-built maps of facilities.
- (9) All facilities are subject to the applicable New York State Uniform Fire Prevention and Building Code (the Uniform Code), including periodic fire, safety and property maintenance inspections.
- (10) Hours of operation and noise level limits shall be set as determined by the Planning Board and/or Zoning Board of Appeals.

SECTION 8. EFFECTIVE DATE.

This Local Law shall be effective thirty (30) days after its filing with the Office of the Secretary of State.

RESOLUTION 108-2023

AUTHORIZE ATTORNEY CAMPBELL TO SEND LOCAL LAW #4-2023 TO COUNTY PLANNING BOARD

On motion of Councilmember Breu seconded by Councilmember Dougherty the following resolution was voted by roll call

ADOPTED Ayes - Gott
Dougherty
English
Gascon
Breu

Nays-

Resolved to authorize Attorney Campbell to send Local Law #4-2023 to the County Planning Board

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RESOLUTION 109-2023

SET PUBLIC HEARING FOR LOCAL LAW #4-2023

On motion of Councilmember Breu seconded by Councilmember Dougherty the following resolution was

ADOPTED Ayes - 5 (Gott, Dougherty, Breu, English, Gascon)
Nays – 0

Resolved set the Public Hearing for Thursday August 17th at 7pm at Vitale Park-5828 Big Tree Road Lakeville NY 14480. Further that the Town Clerk publish or cause to be published a Public Hearing notice in the official newspaper of the Town.

RESOLUTION 110-2023

SPEED LIMIT REDUCTION PROPOSAL FOR EAST AVE TO OLD HICKORY GOLF CLUB ON BIG TREE ROAD

On motion of Councilmember Breu seconded by Councilmember Gascon the following resolution was

ADOPTED Ayes - 5 (Gott, Dougherty, Breu, English, Gascon)
Nays – 0

Resolved to re-apply to Traffic Safety for a reduction of speed from East Avenue to Old Hickory golf course from 45mph to 35mph.

RESOLUTION 111-2023

AUTHORIZE SUPERVISOR GOTT TO SIGN LETTER OF RECOMMENDATION FOR COMPREHENSIVE PLAN GRANT

On motion of Councilmember English seconded by Councilmember Gascon the following resolution was

ADOPTED Ayes - 5 (Gott, Dougherty, English, Breu, Gascon)

Resolved to authorize Supervisor Gott to sign the letter of recommendation for the Comprehensive Plan Grant.

RESOLUTION 112-2023

SHARED SERVICES AGREEMENT WITH NYSDOT AND THE TOWN OF LIVONIA HIGHWAY DEPARTMENT

On motion of Councilmember Breu seconded by Councilmember English the following resolution was

ADOPTED Ayes - 5 (Gott, Dougherty, Breu, English, Gascon)
Nays – 0

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Resolved to enter into agreement between NYSDOT and The Town of Livonia to share services including service, equipment, and materials for a term of four years from 2023-2027 not to exceed a value of \$25,000.

RESOLUTION 113-2023

**CHANGE THE TITLE FOR STEPHEN MORSCH FROM LIBRARY
SUBSTITUTE TO LIBRARY CLEANER**

On motion of Councilmember Gascon seconded by Councilmember English the following resolution was

ADOPTED Ayes - 5 (Gott, Dougherty, Breu, English, Gascon)
Nays – 0

Resolved to change the title of Stephen Morsch from Library Substitute to Library Cleaner effective July 1, 2023 at a rate of pay of \$16.00 per hour.

RESOLUTION 114-2023

HIRE MCKENZIE PETERS AS PART TIME LIBRARY ASSISTANT

On motion of Councilmember Gascon seconded by Councilmember English the following resolution was

ADOPTED Ayes - 5 (Gott, Dougherty, Breu, English, Gascon)
Nays – 0

Resolved to hire McKenzie Peters as a part time Library Assistant effective July 13, 2023 at a rate of pay of \$21.00 per hour and 16 hours a week.

RESOLUTION 115-2023

HIRE ASHLEY CHURCHILL AS PART TIME SUBSTITUTE

On motion of Councilmember Dougherty seconded by Councilmember English the following resolution was

ADOPTED Ayes - 5 (Gott, Dougherty, Breu, English, Gascon)
Nays – 0

Resolved to hire McKenzie Peters as a part time Library Substitute effective July 26, 2023 at a rate of pay of \$14.62 an hour.

RESOLUTION 116-2023

HIRE RIDER VANZANDT AS SUMMER RECREATION COUNSELOR

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On motion of Councilmember Breu seconded by Councilmember English the following resolution was

ADOPTED Ayes - 5 (Gott, Dougherty, Breu, English, Gascon)
Nays – 0

Resolved to hire Rider VanZandt as a recreation counselor effective July 24, 2023 at a rate of pay of \$14.20 an hour.

RESOLUTION 117-2023

HIRE ROWAN TRUBIA AS SUMMER RECREATION COUNSELOR

On motion of Councilmember Breu seconded by Councilmember English the following resolution was

ADOPTED Ayes - 5 (Gott, Dougherty, Breu, English, Gascon)
Nays – 0

Resolved to Rowan Trubia as a recreation counselor effective July 24, 2023 at a rate of pay of \$14.20 an hour.

PRIVELAGE OF THE FLOOR

Councilman English advised that all tree work at Vitale Park is complete and Moe is thrilled with the quality of work. Chuck Finocchiaro finished the work and did a wonderful job as well. The crowd at the 3rd of July was about half the size and DJ was great and everything went otherwise well.

Councilman Gascon advised Highway Superintendent Dwyer will be bringing in top soil to fill in where trees were removed at Vitale Park.

The South Livonia water district committee has met a few times and decided to separate into multiple districts and ask the Town of Conesus to get involved as their residents could benefit as well. Tank placement is very important to help as many residents as possible.

RESOLUTION 118-2023

APPROVE MEETING MINUTES FROM 6/15/2023

On motion of Councilmember Gascon seconded by Councilmember Breu the following resolution was

ADOPTED Ayes - 5 (Gott, Dougherty, English, Breu, Gascon)

Resolved to approve the Meeting Minutes from 6/15/2023

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RESOLUTION 119-2023

TOWN CLERK REPORT

Paid to Supervisor for the General Fund	\$4,431.21
Paid to County Treasurer for Dog Licenses	\$234.50
NYS Comptroller's Office (Bingo and Games of Chance Licenses)	\$0.00
Paid to NYS Ag & Markets for the Spay/Neuter Program	\$77.00
Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	\$1,382.01
State Health Department (marriage licenses)	\$112.50
TOTAL DISBURSEMENTS	\$6,237.22

On motion of Councilmember English seconded by Councilmember Dougherty the following resolution was

ADOPTED Ayes - 5 (Gott, Dougherty, English, Breu, Gascon)
Nays - 0

Resolved to approve Clerk Anderson's report.

RESOLUTION 120-2023

AWARD LC WHITFORD CONSTRUCTION FOR BLANK ROAD PROJECT

On motion of Councilmember Gascon seconded by Councilmember Breu the following resolution was

ADOPTED Ayes - 5 (Gott, Dougherty, English, Breu, Gascon)

Resolved to award LC Whitford the contract for the Blank Road Project not to exceed \$784,593

RESOLUTION 121-2023

AUDIT OF CLAIMS

On motion of Councilmember Dougherty seconded by Councilmember Gascon the following resolution was

ADOPTED Ayes - 5 (Gott, Dougherty, Breu, English, Gascon)
Nays - 0

Resolved to pay claims 538-540 in the amount of \$14,836.35 from the abstract dated June 22, 2023.

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RESOLUTION 122-2023

AUDIT OF CLAIMS

On motion of Councilmember Gascon seconded by Councilmember Breu the following resolution was

ADOPTED Ayes - 5 (Gott, Dougherty, Breu, English, Gascon)
Nays – 0

Resolved to pay claims 541-593 in the amount of \$284,655.25 from the Abstract dated July 6, 2023.

RESOLUTION 123-2023

AUDIT OF CLAIMS

On motion of Councilmember Gascon seconded by Councilmember Dougherty the following resolution was

ADOPTED Ayes - 5 (Gott, Dougherty, Breu, English, Gascon)
Nays – 0

Resolved to pay claims 597 in the amount of \$294.00 from the Abstract dated July 11, 2023.

RESOLUTION 124-2023

AUDIT OF CLAIMS

On motion of Councilmember Breu seconded by Councilmember Gascon the following resolution was

ADOPTED Ayes - 5 (Gott, Dougherty, Breu, English, Gascon)
Nays – 0

Resolved to pay claims 598-652 in the amount of \$160,725.32 from the Abstract dated July 20, 2023.

RESOLUTION 125-2023

ADOPT SPECIFIC FINDINGS FOR PART 2 OF FEAF

On motion of Councilmember Gascon seconded by Councilmember Dougherty the following resolution was

ADOPTED Ayes - 5 (Gott, English, Gascon, Breu, Dougherty)
Nays – 0

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Resolved to adopt the specific findings for Part 2 of the FEAF.

Attorney Campbell then proceeded to explain Part 3 of the FEAF, that being the determination of significance. Attorney Campbell further explained that because the Board answered “No” to all of the questions in Part 2, the next logical step for the Board would be to make a finding that no significant, negative environmental consequences will occur as a result of the proposed action to submit the CDBG grant application and issue a Negative Declaration.

RESOLUTION 126-2023

DETERMINATION TO DECLARE NEGATIVE DECLARATION

On motion of Councilmember English seconded by Councilmember Breu the following resolution was

ADOPTED Ayes - 5 (Gott, Dougherty, Breu, English, Gascon)
Nays – 0

The Town Board declares that, based on the Environmental Record which has been prepared, the Project will not result in any large and important impacts, and therefore, will not have a significant adverse impact on the environment. A Negative Declaration under SEQR is therefore issued for this project, and the Town Clerk is hereby authorized and directed to prepare and issue, on behalf of the Town, the Negative Declaration in the Part 3 of the Environmental Assessment Form.

RESOLUTION 127-2023

AUTHORIZE SUPERVISOR GOTT TO SIGN SEQR DOCUMENTS

On motion of Councilmember Gascon seconded by Councilmember Dougherty the following resolution was

ADOPTED Ayes - 5 (Gott, Dougherty, Breu, English, Gascon)
Nays – 0

Resolved to authorize Supervisor Gott to sign all SEQR documents.

RESOLUTION 128-2023

RESOLUTION TO SUBMIT A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR SANITARY SEWER DISTRICT IMPROVEMENTS

On motion of Councilmember English seconded by Councilmember Breu the following resolution was

ADOPTED Ayes - 5 (Gott, Dougherty, Breu, English, Gascon)
Nays – 0

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Resolved that Town Supervisor of the Town of Livonia, Livingston County, New York, is hereby authorized as the official representative of the Town of Livonia to execute and submit a 2023 Community Development Block Grant (CDBG) application for public infrastructure funding, all understandings and assurances contained therein, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information as may be required.

With no further business, on a motion of Councilmember Gascon seconded by Councilmember Breu the meeting was adjourned at 7:53PM Carried unanimously.

Respectfully Submitted,

Hayley Anderson
Town Clerk