

SPECIAL MEETING, TOWN OF LIVONIA
June 18, 2020

A special meeting of the Town Board of the Town of Livonia, County of Livingston and the State of New York was held at the Livonia Town Hall, 35 Commercial Street, Livonia, NY on June 18, 2020.

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

OTHERS PRESENT: Several residents.

The Town Board meeting was called to order by Supervisor Gott at 6:00 PM.
Earl Hay led the pledge.

Supervisor Gott welcomed everyone and thanked everyone for complying with social distancing.

PUBLIC HEARINGS – RE: LOCAL LAW #3 OF 2020 & LOCAL LAW #4 OF 2020

Notices for the Public Hearings for Local Law #3 of 2020 to amend boundaries of the Agricultural Residential Conservation – 3 District (ARC3) and change a portion of such area to a zoning classification of Gateway Commercial District (GC) within the Town of Livonia; and Local Law #4 of 2020 to modify and add certain provisions relating to the Zoning District known as Gateway Commercial District (GC) and found in section 150-36 of the code of the Town of Livonia and adding a certain definition to be set forth in section 150-5 of the zoning ordinance of the Town of Livonia were duly published in the Livingston County News on June 11, 2020 with same being posted on the same date at the Town Hall and on the Town’s web site. In addition, neighboring municipalities were notified per Town Law §264.

Clerk Hay read the hearing notices for the record.

Attorney Campbell explained that the purpose of Local Law #3 of 2020 is to slightly change zoning boundaries for ARC3 and GC in the area east of West Lake Rd in Lakeville. The current boundary exists just to the north and is contiguous to the proposed area. He added that Local Law #4 of 2020 is to create a definition for “Event Center” and make it a permitted use subject to a special use permit. The proposed law will also amend Permitted Uses with regard to agriculture and farming operations and will amend Accessory Uses to allow for agricultural uses relating to the production of wine, craft-style beer, cider, or liquor. These changes stemmed from a request from the Bruckels, who wish to develop the parcel.

Supervisor Gott declared the public hearing open at 6:06 PM.

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There were no comments from the public.

Justin Bruckel thanked the Board for their time and said he is looking forward to moving forward with the project. He is hoping it will be good for the community and the entire county.

Attorney Campbell reminded the Board that there was some concern when this first came before the board that these changes might allow hotel/motel development on this property. The Board's desire was to limit the use of the property in the future by way of filing restrictive covenants.

Attorney Campbell added that the Bruckel's attorney requested that the restrictive covenants terminate after 30 years, but his recommendation is that they go on forever, excepting and unless the Town Board agrees to modify or terminate those restrictions in the future.

Discussion followed regarding the number of lodgings (or "villas") being proposed and the number of units they would contain. The designer requested some flexibility to be able to work with the Planning Board in the design phase. Attorney Campbell cautioned that the Town Board needs to set parameters now, so that the restrictive covenants can be drawn up beforehand. The Town Board and the designer agreed on a maximum of 1,600 square feet per lodging structure, no more than 15 lodging structures (also referred to as "villas"), and no more than 2 units per lodging structure.

With everyone having been heard, Supervisor Gott declared the public hearings on Local Law #3 of 2020 and Local Law #4 of 2020 closed at 6:20 PM.

Supervisor Gott asked the Town Board if it was their intention to move forward with the adoption of Local Law #3 of 2020 and Local Law #4 of 2020 tonight.

RESOLUTION 72-2020

MOVE FORWARD WITH ADOPTION OF LOCAL LAW #3 OF 2020

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

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

Nays - 0

Resolved to move forward with the adoption process for Local Law #3 of 2020.

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RESOLUTION 73-2020

MOVE FORWARD WITH ADOPTION OF LOCAL LAW #4 OF 2020

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

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

Resolved to move forward with the adoption process for Local Law #4 of 2020.

RESOLUTION 74-2020

DECLARE LOCAL LAW #3 A TYPE I ACTION UNDER STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)

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

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

Resolved to declare Local Law #3 a Type I action under SEQR.

SEQR REVIEW – LOCAL LAW #3 OF 2020

Attorney Campbell reviewed the SEQR documents with the Board to determine if the proposed Local Law will have any potential for negative environmental impacts. He instructed the Town Board to voice their answers verbally. He reminded the Board that the SEQR applies only to the proposed local law, not a specific project. When a project comes before the Planning Board, a SEQR will be completed for the specific project.

The Town Board answered all the SEQR questions in the negative.

RESOLUTION 75-2020

ADOPT SEQR ANSWERS FOR LOCAL LAW #3 of 2020 AS OFFICIAL FINDINGS

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

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

Resolved to adopt the SEQR answers for Local Law #3 of 2020 as the official findings.

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RESOLUTION 76-2020

NEGATIVE DECLARATION – LOCAL LAW #3 OF 2020

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

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

Resolved to make a Negative SEQR Declaration for Local Law #3 of 2020.

RESOLUTION 77-2020

AUTHORIZE SUPERVISOR TO SIGN NEGATIVE SEQR DECLARATION FOR LOCAL LAW #3 OF 2020

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

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

Resolved to authorize Supervisor Gott to sign the Negative SEQR Declaration for Local Law #3 of 2020.

RESOLUTION 78-2020

AMEND PREVIOUS MOTION TO DECLARE ACTION FOR LOCAL LAW #3 OF 2020 AS AN UNLISTED ACTION

Attorney Campbell stated that he misspoke when he informed the Board that Local Law #3 of 2020 was a Type I Action. It is in fact an Unlisted Action.

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

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

Resolved to amend Resolution 74-2020 to reflect that Local Law #3 of 2020 is in fact an Unlisted Action, not a Type I Action under SEQR.

RESOLUTION 79-2020

INSTRUCT TOWN CLERK TO MAINTAIN SEQR DOCUMENTS FOR LOCAL LAW #3 OF 2020 IN THE TOWN CLERK FILES

Attorney Campbell advised that the SEQR documents for Local Law #3 of 2020 do not need to be filed with the Environmental News Bulletin (ENB) but should be maintained in the Town Clerk files.

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

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

Resolved to instruct the Town Clerk to maintain the SEQR documents for Local Law #3 of 2020 in the Town Clerk files.

Attorney Campbell suggested that the Town Board complete the SEQR documents on proposed Local Law #4 of 2020 before taking action on either Local Law #3 of 2020 or Local Law #4 of 2020.

RESOLUTION 80-2020

DECLARE LOCAL LAW #4 AN UNLISTED ACTION IN TERMS OF SEQR

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

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

Resolved to declare Local Law #4 an Unlisted Action in terms of SEQR.

SEQR REVIEW – LOCAL LAW #4 OF 2020

Attorney Campbell reviewed the SEQR documents with the Board to determine if the proposed Local Law will have any potential for negative environmental impacts. He instructed the Town Board to voice their answers verbally. He reminded the Board that the SEQR applies only to the proposed local law, not a specific project. When a project comes before the Planning Board, a SEQR will be completed for the specific project.

The Town Board answered all the SEQR questions in the negative.

RESOLUTION 81-2020

ADOPT SEQR ANSWERS FOR LOCAL LAW #4 OF 2020 AS OFFICIAL FINDINGS

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

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

Resolved to adopt the SEQR answers for Local Law #4 of 2020 as the official findings.

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RESOLUTION 82-2020

NEGATIVE DECLARATION – LOCAL LAW #4 OF 2020

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

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

Resolved to make a Negative SEQR Declaration for Local Law #4 of 2020.

RESOLUTION 83-2020

AUTHORIZE SUPERVISOR TO SIGN NEGATIVE SEQR DECLARATION FOR LOCAL LAW #4 OF 2020

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

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

Resolved to authorize Supervisor Gott to sign the Negative SEQR Declaration for Local Law #4 of 2020.

RESOLUTION 84-2020

INSTRUCT TOWN CLERK TO MAINTAIN SEQR DOCUMENTS FOR LOCAL LAW #4 OF 2020 IN THE TOWN CLERK FILES

Attorney Campbell advised that the SEQR documents for Local Law #4 of 2020 do not need to be filed with the Environmental News Bulletin (ENB) but should be maintained in the Town Clerk files.

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

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

Resolved to instruct the Town Clerk to maintain the SEQR documents for Local Law #4 of 2020 in the Town Clerk files.

RESOLUTION 85-2020

ADOPT LOCAL LAW #3 OF 2020

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

ADOPTED by ROLL CALL VOTE
Supervisor Gott – Aye
Councilmember English – Aye

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Councilmember Gascon – Aye

Councilmember Breu – Aye

Councilmember Dougherty - Aye

Resolved to adopt proposed Local Law #3 of 2020 as follows; and further
Resolved that approval is conditioned on the applicant providing a fully executed declaration of restrictive covenants acceptable to the Town Attorney and suitable for recording.

LOCAL LAW NO. 3 OF THE YEAR 2020

OF THE TOWN OF LIVONIA

A local law to amend the boundaries of a certain zoning district currently known as Agricultural Residential Conservation - 3 District (ARC-3), within the Town of Livonia, Livingston County, New York, changing such certain specified area to a zoning classification of Gateway Commercial District (GC).

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 BOUNDARIES OF THE AGRICULTURAL RESIDENTIAL CONSERVATION – 3 DISTRICT (ARC3) AND CHANGE A PORTION OF SUCH AREA TO A ZONING CLASSIFICATION OF GATEWAY COMMERCIAL DISTRICT (GC), ALL WITHIN THE TOWN OF LIVONIA, LIVINGSTON COUNTY, NEW YORK.”

SECTION 2. PURPOSE.

The purpose of this local law is to modify the boundaries of a certain zoning district currently known as Agricultural Residential Conservation - 3 District (ARC-3) within the Town, changing such certain specified area to a zoning classification of Gateway Commercial District (GC), thereby also changing the boundaries of the Gateway Commercial District (GC) within the Town.

SECTION 3. LOCATION OF MODIFIED ZONING DESIGNATION.

The area that is affected by the modified zoning classification is a portion of a parcel known as ___ West Lake Road, Town of Livonia, County of Livingston and State of New York, also being known as Tax Identifier Map Parcel No. 65.-1-101, said parcel being more particularly described as follows:

All that tract or parcel of land situated in Great Lot 13, Town of Livonia, County of Livingston,

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State of New York and more particularly described as follows:

Beginning at the intersection of the east right-of-way line of West Lake Road (N.Y.S. Route 256 – width varies) with the north line of the lands now or formerly owned by Justin P. Bruckel, known as 3611 West Lake Road, in the Town of Livonia, County of Livingston and State of New York, being further identified as Tax Identifier Map Parcel Number 74.-1-1.226, said intersection being the northwest corner of said lands now or formerly of Justin P. Bruckel;

1. thence North $12^{\circ} 44' 13''$ East, along said east right-of-way line, a distance of 842.26 feet to an angle point;
2. thence North $17^{\circ} 55' 04''$ East, continuing along said east right-of-way line, a distance of 187.49 feet to a point;
3. thence North $12^{\circ} 44' 13''$ East, continuing along said east right-of-way line, a distance of 65.88 feet to the south line of property fronting on Big Tree Road;
4. thence North $84^{\circ} 58' 54''$ East, along said south line and south line of other property fronting on Big Tree Road, a distance of 312.39 feet to the west line of property now or formerly of Thelma Hanna and Katharine J. Lozier (Tax acc. no. 65.-1-99.11);
5. thence South $03^{\circ} 58' 54''$ West, along said west line, a distance of 112.23 feet to the south line of said Hanna and Lozier property;
6. thence South $68^{\circ} 52' 57''$ East, along said south line, a distance of 15.10 feet to a point;
7. thence South $28^{\circ} 52' 12''$ East, continuing along said south line, a distance of 15.32 feet to a point;
8. thence South $08^{\circ} 19' 32''$ West, continuing along said south line, a distance of 24.28 feet to a point;
9. thence South $56^{\circ} 15' 31''$ East, continuing along said south line, a distance of 79.00 feet to a point;
10. thence South $69^{\circ} 51' 30''$ East, continuing along said south line, a distance of 93.99 feet to a point;
11. thence South $50^{\circ} 18' 56''$ East, continuing along said south line, a distance of 78.22 feet to a point;
12. thence South $15^{\circ} 37' 59''$ East, continuing along said south line, a distance of 36.40 feet to a point;
13. thence South $46^{\circ} 01' 41''$ East, continuing along said south line, a distance of 19.04 feet to a point;
14. thence South $86^{\circ} 16' 04''$ East, continuing along said south line, a distance of 36.75 feet to a point;
15. thence South $06^{\circ} 58' 17''$ West, along a line, a distance of 1026.85 feet to a point;
16. thence North $83^{\circ} 01' 43''$ West, along the north line of said Lot 1, a distance of 459.36 feet to a point;
17. thence North $08^{\circ} 32' 00''$ East, continuing along said lands now or formerly owned by Justin P. Bruckel, a distance of 128.31 feet to a point;
18. thence North $78^{\circ} 17' 12''$ West, continuing along said now or formerly owned by Justin P. Bruckel, a distance of 301.82 feet to the east right-of-way line of West Lake Road and the

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point of beginning.

Intending to describe an 18.550± Acre parcel of land east and adjacent to West Lake Road, which is a portion of Tax Identifier Map Parcel Number 65.-1-101.

Only that portion of Tax Identifier Map Parcel Number 65.1-101 as described above shall hereby be reclassified to a zoning classification of Gateway Commercial District (GC), and the official Zoning Map of the Town of Livonia shall be amended to reflect such reclassification and the change of boundaries of the respective zoning districts (although not contemporaneously with the adoption of this Local Law).

It is specifically intended that the remaining approximately 12.058 acres of Tax Identifier Map Parcel Number 65.1-101, being the easterly side thereof, shall continue to be designated with a zoning classification of Agricultural Residential Conservation - 3 District (ARC-3). It is further the legislative intent of the Livonia Town Board that excepting after an update to the current Comprehensive Plan, said remaining 12.058 +/- acres not be reclassified for zoning purposes in the future, thereby allowing such property to act as a buffer between the newly reclassified 18.550 +/- acres and the residential areas to the east and along Pebble Beach Road.

SECTION 4. EFFECTIVE DATE.

This local law shall be effective immediately upon its filing with the Office of the Secretary of State.

RESOLUTION 86-2020

ADOPT LOCAL LAW #4 OF 2020

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

ADOPTED by ROLL CALL VOTE
Supervisor Gott – Aye
Councilmember English – Aye
Councilmember Gascon – Aye
Councilmember Breu – Aye
Councilmember Dougherty - Aye

Resolved to adopt proposed Local Law #4 of 2020 as follows; and further
Resolved that approval is conditioned on the applicant providing a fully executed declaration of restrictive covenants acceptable to the Town Attorney and suitable for recording.

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LOCAL LAW NO. 4 OF THE YEAR 2020

OF THE TOWN OF LIVONIA

A local law Amending the Zoning Ordinance of the Town of Livonia.

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

SECTION 1. TITLE AND SCOPE

A. This local law shall be known as “A LOCAL LAW AMENDING THE ZONING ORDINANCE OF THE TOWN OF LIVONIA, MODIFYING AND ADDING CERTAIN PROVISIONS RELATING TO THE ZONING DISTRICT KNOWN AS “GATEWAY COMMERCIAL DISTRICT (GC) AND FOUND IN §150-36 OF THE CODE OF THE TOWN OF LIVONIA AND ADDING A CERTAIN DEFINITION TO BE SET FORTH IN §150-5 OF THE ZONING ORDINANCE OF THE TOWN OF LIVONIA.”

B. Chapter 150 of the Code of the Town of Livonia, also known as the Zoning Ordinance of the Town of Livonia, is hereby amended as set forth below:

- 1) to modify the uses allowed with a conditional use permit in the Gateway Commercial District (GC) pursuant to §159-36 D.;
- 2) to amend the Definitions pertaining to Chapter 150 of the Code of the Town of Livonia as found in §150-5 by adding a definition for the term “Event Center”;
- 3) to amend the Permitted Uses under §150-36 B. with regard to agricultural and farming operations; and
- 4) to amend Accessory Uses under §150-36 C. to allow agricultural uses relating to the production of wine, craft-style beer, cider or liquor.

SECTION 2. PURPOSE

The purpose of this local law is to implement zoning changes within the Town of Livonia, responding to the needs and preferences of the community, within a framework designed to promote well-regulated growth and appropriate use of lands within the Town that will benefit the health, safety and welfare of the community.

Unless specifically otherwise stated herein, all references to zoning legislation already in existence refer to the Town of Livonia Zoning Ordinance.

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SECTION 3. AMENDMENT TO USES ALLOWED WITH A CONDITIONAL USE PERMIT UNDER §150-36 D.

A new provision designated as §150-36 D. (15) shall be added and shall read as follows:

“(15) Event Center and ancillary temporary housing through Dwelling Units that are accessory to the primary Event Center use. Such temporary housing shall be subordinate to the primary use of the Event Center and may be in the form of individual structures located around the Event Center or may be attached or within the Event Center.”

SECTION 4. AMENDMENT TO DEFINITIONS UNDER §150-5.

A new definition shall be added to §150-5 for the term “Event Center” and shall read as follows:

“EVENT CENTER

A public or privately owned structure, structures and/or area used for the purposes of public performances or events, private receptions, meetings or parties, or similar attractions. Accessory uses may include food preparation facilities, concessions, offices, museums, wineries, craft-style breweries for beer, cider or liquor, stores, restaurants and on-site short-term temporary accommodations for patrons or visitors. All accessory uses shall be clearly subordinate to the primary use as an Event Center.”

This definition is intended only for purposes of giving effect to §150-36 D. (15) of the Town of Livonia Zoning Ordinance.

SECTION 5. AMENDMENT TO PERMITTED USES UNDER §150-36 B.

Section 150-36 B. (8) shall be deleted and wholly replaced by a new §150-36 B. (8) that shall read as follows:

“(8) Unless exempted by New York State Agricultural and Markets Law Article 25-AA, or if accessory and subordinate to another permitted use herein or uses permitted with a conditional use permit pursuant to 150-36 D., only agricultural or farming operations in lawful existence as of the date of adoption of this section shall be allowed to continue and shall be considered a permitted or conforming use subject to the regulations of the Agricultural Residential Conservation-3 District.”

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SECTION 6. AMENDMENT TO ACCESSORY USES UNDER §150-36 C.

A new provision designated as §150-36 C. (5) shall be added and shall read as follows:

“(5) Agricultural uses relating to the production of wine, craft-styled beer, cider or liquor for sale or to be marketed for sale on-site as part of a permitted use pursuant to §150-36 B. or a use permitted with a conditional use permit pursuant to §150-36 D. below, so long as such use is clearly subordinate to the primary permitted use.”

SECTION 7. EFFECTIVE DATE.

This local law shall be effective immediately upon its filing with the Office of the Secretary of State.

PUBLIC HEARING – RE: LOCAL LAW #2 OF 2020

Notice for Local Law #2 of 2020 to amend section 150-31 of the Zoning Ordinance of the Town of Livonia to modify section 150-31D. of such section to add a new permitted use with a conditional use permit was duly published in the Livingston County News on June 11, 2020 with same being posted on the same date at the Town Hall and on the Town’s web site. In addition, neighboring municipalities were notified per Town Law §264.

Clerk Hay read the hearing notice for the record.

Attorney Campbell explained that the purpose of proposed Local Law #2 of 2020 is to slightly modify the permitted used in the Neighborhood Residential (NR) zoning district to allow professional services including, but not limited to, law offices, accounting offices, dental offices, doctor offices, veterinary offices, architects, engineers, or land surveyor offices where such use is the primary use of the property. He shared that this is fairly common in most communities. The proposed local law will impact the entire NR zoning district, not just one parcel.

Supervisor Gott introduced Dr. Peter Hecht from Perry Pet and Mr. Richard Finocchario, who owns the property that Perry Pet is seeking to purchase in order to expand their veterinary practice. He reminded the Board that this proposed change was initiated by Perry Pet’s wish to expand their practice and stay located in the Town of Livonia.

Supervisor Gott declared the public hearing open at 6:41 PM for Local Law #2 of 2020.

Comments:

Councilmember English stated that he thinks the local law will be beneficial to the community, bringing economic growth and additional tax revenue. He feels the Perry Pet expansion will be a plus for the Town of Livonia.

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Dr. Hecht remarked that they have enjoyed a wonderful business and relationship with the Town over the years. They have a great clientele and have outgrown their current facility. They want to expand their practice while staying in Livonia. He thinks the property they are considering is beautiful.

Mr. Finocchario shared that the parcel is 5 acres, so there will be sufficient separation from the church and the road. He added that the new clinic in Livonia will be very similar to the one they recently built in Batavia.

Code Enforcement Officer Adam Backus remarked that he thinks the parcel is a good fit for that use. He emphasized that the Board should consider what the proposed zoning change would mean for other properties also. He shared that these types of uses are not uncommon in other towns, and he feels that the Conditional Use Permit requirement adds a safety net.

Councilmember Breu shared that he is all for the economic growth. He thinks it would be great to keep them here.

Councilmember Gascon added that it might also bring other development in.

With everyone having been heard, Supervisor Gott closed the Public Hearing for Local Law #2 of 2020 at 6:45 PM.

RESOLUTION 87-2020

DECLARE LOCAL LAW #2 A TYPE I ACTION IN TERMS OF SEQR

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

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

Resolved to declare Local Law #2 a TYPE I Action in terms of SEQR.

SEQR REVIEW – LOCAL LAW #2 OF 2020

Attorney Campbell reviewed the SEQR documents with the Board to determine of the proposed Local Law will have any potential for negative environmental impacts. He instructed the Town Board to voice their answers verbally. He reminded the Board that the SEQR applies only to the proposed local law, not any specific project. When a project comes before the Planning Board, a SEQR will be completed for the specific project.

The Town Board answered all the SEQR questions in the negative.

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RESOLUTION 88-2020

ADOPT SEQR ANSWERS FOR LOCAL LAW #2 OF 2020 AS OFFICIAL FINDINGS

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

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

Resolved to adopt the SEQR answers for Local Law #2 of 2020 as the official findings.

RESOLUTION 89-2020

NEGATIVE DECLARATION – LOCAL LAW #2 OF 2020

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

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

Resolved to make a Negative SEQR Declaration for Local Law #2 of 2020.

RESOLUTION 90-2020

AUTHORIZE SUPERVISOR TO SIGN NEGATIVE SEQR DECLARATION FOR LOCAL LAW #2 OF 2020

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

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

Resolved to authorize Supervisor Gott to sign the Negative SEQR Declaration for Local Law #2 of 2020.

RESOLUTION 91-2020

INSTRUCT TOWN CLERK TO FILE SEQR DOCUMENTS FOR LOCAL LAW #2 OF 2020 WITH THE ENVIRONMENTAL NEWS BULLETIN

Attorney Campbell advised that the SEQR documents for Local Law #2 of 2020 need to be filed with the Environmental News Bulletin (ENB) and should also be maintained in the Town Clerk files.

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

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

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Resolved to instruct the Town Clerk to file SEQR documents for Local Law #2 of 2020 with the Environmental News Bulletin (ENB) and also maintain them in the Town Clerk files.

RESOLUTION 92-2020

ADOPT LOCAL LAW #2 OF 2020

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

ADOPTED by ROLL CALL VOTE

Supervisor Gott – Aye

Councilmember English – Aye

Councilmember Gascon – Aye

Councilmember Breu – Aye

Councilmember Dougherty - Aye

Resolved to adopt proposed Local Law #2 of 2020 as follows:

LOCAL LAW NO. 2 OF THE YEAR 2020

OF THE TOWN OF LIVONIA

A local law to amend the Zoning Ordinance of the Town of Livonia, Livingston County, New Livonia to modify Section 150-31 NR Neighborhood Residential District.

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 SECTION 150-31 OF THE ZONING ORDINANCE OF THE TOWN OF LIVONIA, LIVINGSTON COUNTY, NEW LIVONIA TO MODIFY SECTION 150-31 D. OF SUCH SECTION TO ADD A NEW USE PERMITTED WITH A CONDITIONAL USE PERMIT.”

SECTION 2. PURPOSE.

A. Authority. This Local Law is adopted pursuant to the Town Law of the State of New Livonia, 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 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:

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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. CHANGES TO SECTION 150-31 D. – NEIGHBORHOOD RESIDENTIAL DISTRICT (NR)

The current Section 150-31. 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 “§150-31 D. (11)” and shall read as follows:

“(11) Professional services office such as, but not limited to law office, accounting office, dental office, doctor office, veterinary office, architect or engineer office or land surveyor office, where such use is the primary use of the property.”

SECTION 4. EFFECTIVE DATE.

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

The Town Board took a brief break from 6:50 PM to 6:56 PM.

RESOLUTION 93-2020

APPROVE RECORDS DESTRUCTION

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

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

Resolved to approve the destruction of Town records from the Records Destruction Authorization Form dated June 18, 2020.

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RESOLUTION 94-2020

AUDIT OF CLAIMS – JUNE 8

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

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

Resolved to pay claims 442 through 472 in the amount of \$1,330.00 from the Abstract dated June 8, 2020.

BANNER FOR GRADUATES

Supervisor Gott announced that Historian Betty Miles proposed purchasing a banner to congratulate 2020 graduates of Livonia Central School to put on the Makacademy building. The cost of the banner is about \$167. The Village has agreed to help hang the banner. If approved, it will probably be ready to go up next week.

RESOLUTION 95-2020

PURCHASE BANNER TO CONGRATULATE GRADUATES

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

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

Resolved to approve the purchase of a banner congratulating the Class of 2020 graduates.

THANK YOU TO SHEILA STALEY

Supervisor Gott announced that he was remiss at the last meeting for not mentioning Sheila Staley when he recognized employees of the Town who reported to work throughout the pandemic. He did apologize to Sheila and wanted to publicly recognize her for continuing to keep the building clean. Code Enforcement Officer Adam Backus added that no one is more conscientious than Sheila. She is a great asset and takes her job very seriously.

PUBLIC HEARING – RE: LOCAL LAW #1 OF 2020 & LOCAL LAW #5 OF 2020

Notices for the Public Hearings for Local Law #1 of 2020 to add a new Chapter 112 to the Code of the Town of Livonia to establish Sewer Use Rules and Regulations; and Local Law #5 of 2020 to establish a temporary land use moratorium prohibiting large scale solar installations within the Town of Livonia were duly published in the Livingston County News on June 11, 2020 with same being posted on the same date at the Town Hall and on the Town's web site. In addition, neighboring municipalities were notified regarding proposed Local Law #5 of 2020 per Town Law §264. (Such notice was not required for Local Law #1 of 2020.)

Clerk Hay read the hearing notices for the record.

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Supervisor Gott declared the public hearings open at 7:04 PM.

Comments:

Asked how much of a burden the Sewer Regulations would be for his department, Code Enforcement Officer Adam Backus responded that he thinks 90% of the administrative burden would be shouldered by the Livingston County Water & Sewer Authority (LCWSA). He shared that he hopes he would not have to chase down every person or draft every ticket.

Supervisor Gott shared that he does not see it as a detriment. He feels it gives us another tool in our toolbox.

Mr. Backus replied that if there are 10 people that must be taken to court, that would be a huge task. Attorney Campbell assured Mr. Backus that it would almost completely be done without any need for town resources in terms of time or money. He thought it unlikely that Mr. Backus would need to be a witness. The Town would merely be a conduit for enforcement. The proposed law was crafted in such a way as to not be a burden on Adam's department.

Councilmember English asked if the length of the agreement was ten years. Attorney Campbell answered yes, the agreement is for 10 years, but this is the local law, not the agreement.

Mr. Backus reported that he spoke with the LCWSA to suggest that they develop templates to provide to customers about how they can solve their problems. He thinks it is important to give them the tools, so they do not end up coming up with a solution that makes the problem worse. Attorney Campbell cautioned that there are circumstances where those solutions may not be workable in a given area, but those conversations should be with the LCWSA.

With everyone having been heard, the Public Hearings for proposed Local Laws #1 of 2020 and #5 of 2020 were closed at 7:10 PM.

SEQR REVIEW – LOCAL LAW #1 OF 2020

Attorney Campbell reported that proposed Local Law #1 of 2020 is an Unlisted Action under SEQR. He reviewed the SEQR documents with the Board to determine if the proposed Local Law will have any potential for negative environmental impacts. He instructed the Town Board to voice their answers verbally.

The Town Board answered all the SEQR questions in the negative.

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RESOLUTION 95-2020

ADOPT SEQR ANSWERS FOR LOCAL LAW #1 OF 2020 AS OFFICIAL FINDINGS

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

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

Resolved to adopt the SEQR answers for Local Law #1 of 2020 as the official findings.

RESOLUTION 96-2020

NEGATIVE DECLARATION – LOCAL LAW #1 OF 2020

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

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

Resolved to make a Negative SEQR Declaration for Local Law #1 of 2020.

RESOLUTION 97-2020

AUTHORIZE SUPERVISOR TO SIGN NEGATIVE SEQR DECLARATION FOR LOCAL LAW #1 OF 2020

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

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

Resolved to authorize Supervisor Gott to sign the Negative SEQR Declaration for Local Law #1 of 2020.

RESOLUTION 98-2020

INSTRUCT TOWN CLERK TO KEEP SEQR DOCUMENTS FOR LOCAL LAW #1 OF 2020 IN THE TOWN CLERK FILES

Attorney Campbell advised that the SEQR documents for Local Law #1 of 2020 do not need to be filed with the Environmental News Bulletin (ENB) but should be maintained in the Town Clerk files.

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

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

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Resolved to instruct the Town Clerk to maintain the SEQR documents for Local Law #1 of 2020 in the Town Clerk files.

RESOLUTION 99-2020

ADOPT LOCAL LAW #1 OF 2020

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

ADOPTED by ROLL CALL VOTE

Supervisor Gott – Aye

Councilmember English – Aye

Councilmember Gascon – Aye

Councilmember Breu – Aye

Councilmember Dougherty - Aye

Resolved to adopt Local Law #1 of 2020 as follows:

LOCAL LAW NO. 1 OF THE YEAR 2020

OF THE TOWN OF LIVONIA

A local law to add a new Chapter 112 to the Code of the Town of Livonia, Livingston County, New York to be known as Sewer Use Rules and Regulations.”

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 ADD A NEW CHAPTER 112 TO THE CODE OF THE TOWN OF LIVONIA, LIVINGSTON COUNTY, NEW YORK TO ESTABLISH SEWER USE RULES AND REGULATIONS.”

SECTION 2. PURPOSE.

A. Authority. This Local Law is adopted pursuant to the New York State Town Law § 64 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 discharge of sanitary sewage and other types of wastes into any public sewer collection or treatment system within the Town of Livonia.

B. To these ends, this local law and the Chapter that it creates is designed to:

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1. Enhance the orderly growth, development and redevelopment of the Town in accordance with a well-considered plan;
2. Properly regulate the discharge of sanitary sewage and other types of wastes into any public sewer collection or treatment system benefitting the Town, in order to protect the health, safety and welfare of the residents of the Town and to protect the various public benefit infrastructure that collects and treats sanitary sewage and other types of wastes within and/or for the benefit of the Town; and
3. Provide for efficient and effective enforcement of rules and regulations ensuring proper use of and discharge into the public sanitary sewer/waste water collection and treatment system.

SECTION 3. CREATION OF NEW CHAPTER 112 SEWER USE RULES AND REGULATIONS

A. Chapter 112 is hereby added to the Code of the Town of Livonia and shall read as follows:

Chapter 112 Sewer Use Rules and Regulations

§112-1 History.

The Town of Livonia owns significant sanitary sewer transmission and/or treatment improvements within the Town of Livonia that service residential and commercial properties within the Town. Those improvements are operated and maintained by the Livingston County Water and Sewer Authority, which does so pursuant to a long-term lease agreement with the Town of Livonia.

As part of the long-term lease agreement with the Town, the Livingston County Water and Sewer Authority is responsible for the full operation and maintenance of the public sanitary sewer system serving properties within the Town of Livonia.

§112-2 General Purpose.

The purpose of these Sewer Use Rules and Regulations is to provide for efficient, economic, environmentally safe, and legal operation of the publicly owned sanitary sewer system serving properties within the Town of Livonia.

In order for the Livingston County Water and Sewer Authority to properly administer its obligations under the long-term lease agreement, it is important that both the Town of Livonia and the Livingston County Water and Sewer Authority have consistent rules and regulations that apply to customer usage of the facilities owned by the Town and operated and maintained by the Authority.

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Consistent rules and regulations between the Town and the Authority will allow the Authority to most efficiently and effectively ensure proper use of the public sanitary sewer and treatment system and when such rules and regulations are violated, to seek proper enforcement against violating users.

§112-3 Specific Purpose.

The specific purposes of these Regulations are the following:

- A. To prevent the introduction of substances into the publicly owned sanitary sewer system that will:
 - (1) interfere with the publicly owned sanitary sewer system in any way;
 - (2) pass through the publicly owned sanitary sewer system to the State's Waters and cause contravention of standards for those waters or cause violation of the publicly owned sanitary sewer system 's SPDES Permit;
 - (3) increase the cost or otherwise hamper the disposal of publicly owned sanitary sewer system sludge and/or residuals;
 - (4) endanger Authority or any municipal employees;
 - (5) cause air pollution, or groundwater pollution, directly or indirectly; and
 - (6) cause, directly or indirectly, any public nuisance condition.
- B. To prevent new sources of Infiltration and Inflow as much as possible and eliminate existing sources of Infiltration and Inflow.
- C. To assure that new Sewers and connections are properly constructed.
- D. To provide for equitable distribution amongst all Users of the POTW of all costs, associated with Sewage transmission, treatment, and residuals disposal, and to provide for the collection of such costs.
- E. To provide enforcement mechanisms to ensure proper usage of the POTW to further the above purposes.

§112-4 Continuity with and Adoption of Livingston County Water and Sewer Authority Rules and Regulations.

- A. In order for the Livingston County Water and Sewer Authority to properly administer its obligations under the long-term lease agreement and for the benefit of the Town of

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Livonia and its residents and businesses, it is crucial that the Authority and Town have the same rules and regulations governing the use of and discharge into the public sanitary sewer and treatment system.

- B. The Town of Livonia hereby adopts as its rules and regulations governing the use of and discharge into the public sanitary sewer and treatment system serving the Town of Livonia, the Livingston County Water and Sewer Authority Sewer Use Rules and Regulations as most recently adopted (as of the date of this local law) by the Livingston County Water and Sewer Authority on September 25, 2019 and as they may be periodically updated by the Livingston County Water and Sewer Authority from time-to-time. A copy of the most recent Livingston County Water and Sewer Authority Sewer Use Rules and Regulations, as adopted herein by the Town of Livonia, will be available at the office of the Livonia Town Clerk and in the Town of Livonia Building and Zoning Office.

SECTION 4. EFFECTIVE DATE.

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

LOCAL LAW #5 OF 2020

Attorney Campbell advised that the moratorium is considered a Type II action and no SEQR is required. The proposed law, if adopted, would extend the moratorium on large scale solar development for six additional months.

RESOLUTION 100-2020

ADOPT LOCAL LAW #5 OF 2020

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

ADOPTED by ROLL CALL VOTE
Supervisor Gott – Aye
Councilmember English – Aye
Councilmember Gascon – Aye
Councilmember Breu – Aye
Councilmember Dougherty - Aye

Resolved to adopt Local Law #5 of 2020 as follows:

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TOWN OF LIVONIA LOCAL LAW NO. 5 of 2020
A LOCAL LAW ESTABLISHING A TEMPORARY LAND USE
MORATORIUM PROHIBITING LARGE SCALE SOLAR
INSTALLATIONS WITHIN THE TOWN OF LIVONIA

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

SECTION 1. PURPOSE AND INTENT.

This local law is intended to temporarily prohibit the creation or siting of large scale solar power installations (as hereinafter defined) within the Town of Livonia for a period of up to six (6) months, pending the continued development and adoption of local laws and/or ordinances prepared to regulate and govern such installations.

On or about May 2, 2019, the Livonia Town Board duly adopted a previous one year “Moratorium Prohibiting Large Scale Solar Installations within the Town of Livonia” (hereafter “Previous Moratorium”).

During the term of the Previous Moratorium, the Town began conducting research on the subject of large scale solar installations and constituted a committee to continue such research, which included reviewing various versions of model legislation being used by other communities and resources made available from the New York State Energy Research and Development Authority and the New York State Department of Agriculture and Markets. The Committee also began discussing proposed legislation to create new zoning text that will assist in properly regulating the siting of solar energy systems within the Town of Livonia. Prior to completing such tasks, the State of New York was placed under a declared State of Emergency relating to the Covid 19 Pandemic, which resulted in numerous Executive Orders that prevented the Town Board and the committee from progressing with the finalization of appropriate legislation to create such new zoning text relating to the siting of solar energy systems.

The Town Board recognizes and acknowledges that the Town needs additional time to complete and adopt appropriate local legislation to regulate the future creation and siting of large scale solar installations in a fashion that best maintains and preserves the identity of the Town and its strong agricultural history.

It is deemed necessary to enact this additional moratorium in order to permit the Town Board adequate time in which to complete suitable legislation to allow for proper siting and development of the solar industry. During the term of the moratorium the Town of Livonia shall

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work to finalize and adopt the new land use local law.

At this time, there are no pending applications for the location, development or site plan approval of a large scale solar installation.

The objective of this moratorium is to allow the Town of Livonia to assess and address its Code to promote community planning values by properly regulating future large scale solar installations. At present, the Town Code may not adequately regulate such land use. If the community allows such development during that time, the goals of the Town Comprehensive Plan and its related legislation favoring the successful continuity of agricultural operations could be undermined or damaged. Moratoria are useful in controlling or temporarily inhibiting development until satisfactory final regulations are adopted.

For these reasons, the Town Board finds that temporary moratorium legislation is both advisable and necessary for a reasonable and defined period of time in order to further develop and adopt necessary zoning and land use changes to the Livonia Town Code, thus protecting and furthering the public interest, health and safety.

SECTION 2. TEMPORARY MORATORIUM.

- A. There is hereby adopted in the Town of Livonia, a six (6) month moratorium on the consideration, receipt or granting of land use applications, site plan approval, zoning permit, special permit, zoning variance, building permit, operating permit, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Town-level approval of any nature to permit the siting or creation of “Large Scale Solar Installations.”

“Large Scale Solar Installations” are defined, for the purpose of this local law, as any installation of solar panels or equipment undertaken principally for commercial purposes with an intention of generating power for resale into the power grid by a third party. Any installations by, or undertaken on behalf of individual landowners, householders, businesses or farmers (even off-site or done through a third-party Power Purchase Agreement), primarily for the purpose of off-setting their own electric energy use shall not be considered a Large Scale Solar Installation and shall be specifically exempted from this moratorium.

- B. During the term of the moratorium the Town Board intends to further develop, consider and adopt changes to its land use local laws so as to regulate Large Scale Solar Installations. This moratorium and prohibition shall be in effect beginning on the effective date of this Local Law and shall expire on the earlier of (i) that date which is six (6) months after said effective date; or (ii) the effective date of a Town Board resolution affirmatively stating the Town Board has determined that the need for this moratorium and prohibition no longer exists.

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- C. While the moratorium is in effect, no applications shall be accepted, and no permits issued or approvals given by any Board, agency or official of the Town of Livonia for the siting or creation of a Large Scale Solar Installation.
- D. Under no circumstances shall the failure of the Town Board of the Town of Livonia, the Zoning Board of Appeals of the Town of Livonia, the Planning Board of the Town of Livonia, or the Code Enforcement Officer for the Town of Livonia to take any action upon any application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Town-level approval constitute an approval by default or an approval by virtue of expiration of time to respond to such application.

SECTION 3. APPLICABILITY.

The provisions of this local law shall apply to all real property within the Town of Livonia, and all land use applications for the siting or creation of Large Scale Solar Installations within the Town of Livonia.

SECTION 4. RELIEF FROM APPLICABILITY OF MORATORIUM.

Applications for land use otherwise subject to this moratorium may be exempted from the provisions of this local law following a noticed public hearing before the Town Board, at which hearing the Town Board shall consider:

- 1. The proximity of applicant's premises or the subject of applicant's request for relief to natural resources, including but not limited to prime agricultural soils, wetland areas, conservation districts and other environmental concerns.
- 2. The impact of the proposed application on the applicant's premises and upon the surrounding area.
- 3. Compatibility of the proposed application with the existing land use and character of the area in general proximity to the subject of the application, and its effect upon aesthetic resources of the community.
- 4. Compatibility of the proposed application with the recommendations of any administrative body charged with such review by the Town of Livonia.
- 5. The written opinion of the Town of Livonia Planning Board and the Town of

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Livonia Code Enforcement Officer that such application may be jeopardized or made impractical by waiting until the moratorium is expired.

6. Such other reasonable considerations and issues as may be raised by the Town Board.

In making a determination concerning a proposed exemption or grant of relief from application of the moratorium, the Town Board may obtain and consider reports and information from any source it deems to be consistent with review of said application. A grant of relief from application of the moratorium shall include a determination of unreasonable hardship upon the property owner which is unique to the property owner, and a finding that the grant of an exemption will be in harmony with, and will be consistent with the recommendations of the Comprehensive Plan.

An application for relief of application of the moratorium shall be accompanied by a fee of \$1,000.00, together with the applicant's written undertaking, in a form to be approved by the Town Attorney, to pay all of the expenses of the Town Board and any agent or consultant retained by the Town Board to evaluate and consider the merits of such application.

SECTION 5. STATUTORY AUTHORITY; SUPERCESSION.

This local law is promulgated and adopted pursuant to Municipal Home Rule Law and the State Environmental Quality Review Act, and its implementing regulations. It expressly supercedes any provisions of the Town Code of the Town of Livonia, and sections 267, 267-a, 267-b, 267-c, 274-a, 274-b and 276 of the Town Law of the State of New York. Furthermore, this chapter shall supercede the New York State Environmental Conservation Law section 3-0301(1)(b), 3-0301(2)(m) and 8-0113 and 6 NYCRR Part 617, also known as the State Environmental Quality Review Act, as it pertains to applications that are neither excluded nor exempt from this local law.

This local law shall supercede and suspend those provisions of the Town Code and New York state law which require the Planning Board and the Town Code Enforcement officer to accept, process, and approve land use applications within certain statutory time periods.

SECTION 6. CONFLICTS.

For and during the stated term of this legislation, unless the stated term thereof shall be modified or abridged by the Town Board, this moratorium shall take precedence over and shall control over any contradictory local law, ordinance, regulation or Code provision.

SECTION 7. SEVERABILITY.

The invalidity of any word, section, clause, sentence, paragraph, part or provision of this

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local law shall not affect the validity of any other part of the law which can be given effect without such invalid part or parts.

SECTION 8. EFFECTIVE DATE.

The effective date of this local law shall be the date upon which it is filed with the Secretary of State.

RESOLUTION 101-2020

AUDIT OF CLAIMS – JUNE 18, 2020

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

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

Resolved to pay claims 473 through 511 in the amount of \$216,305.94 from the Abstract dated June 18, 2020.

SUMMER RECREATION DISCUSSION

Councilmember Dougherty reported that he has been talking with Recreation Director Craig Emmerling about the feasibility of conducting a Summer Recreation program this year. They both feel that social distancing with young children will be difficult. Normally, we would bus children for field trips, and that would be hard to do as well. Other towns have cancelled their programs. He and Mr. Emmerling recommend cancelling the Livonia/Conesus Summer Recreation program for this season.

Supervisor Gott stated that he thinks that is a good decision. He spoke with Matt Cole who indicated that the school said it is open for us to use, but he has concerns about protocols. Councilmember English agreed.

RESOLUTION 102-2020

CANCEL SUMMER RECREATION PROGRAM

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

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

Resolved to cancel the Livonia/Conesus Summer Recreation program for 2020.

Clerk Hay will place a notice on the web site.

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DISCUSSION REGARDING PLAYGROUNDS AT VITALE AND HEMLOCK LAKE PARKS

Clerk Hay indicated that she has received several calls from parents wondering if the playgrounds were open at Vitale and Hemlock Lake Parks yet. She shared that the Village playgrounds did open with Phase 3. Attorney Campbell advised that the Town Board can open the playgrounds if they choose.

A resident asked if the playground is opened, would the equipment need to be cleaned each night? Supervisor Gott answered that he did not know, but he knows that others are not cleaning their equipment.

Councilmember English shared that he wants to keep up with the changes. He will reach out to Park Manager Mo Watson and let the Town Board know. Councilmember Breu added that we have to start somewhere with opening things back up.

OTHER VITALE PARK DISCUSSION

Docks

The Town Board discussed asking that the docks be placed at Vitale Park after the park opens up after July 5th.

Community Service Awards

Supervisor Gott announced that the Livonia Community Service Awards will be presented on August 9. We will spread the tables outside and have a boxed dinner rather than a buffet.

Pavilion Reservations

Councilmember Gascon asked if we are currently renting the pavilions at Vitale Park. Supervisor Gott answered that we are not accepting reservations at the moment, but he thinks we can unlock the picnic tables. It is up to Mr. Watson, though. Councilmember English shared that Mr. Watson said no to rescheduling the pavilion rentals. He will follow up with Mr. Watson on that as well.

With no further business, on a motion of Councilmember Gascon seconded by Councilmember Breu the meeting was adjourned at 7:23 PM. Carried unanimously.

Respectfully Submitted,

Colleen West Hay, RMC, CMC
Town Clerk