

REGULAR MEETING, TOWN OF LIVONIA
January 17, 2019

A regular meeting of the Town Board of the Town of Livonia, County of Livingston and the State of New York was held at Livonia Town Hall, 35 Commercial Street, Livonia on January 17, 2019.

PRESENT: Eric Gott, Supervisor
Andy English, Councilmember
Matt Gascon, Councilmember
Frank Seelos, Councilmember
Peter Dougherty, 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 7:00 PM. Councilmember Gascon led the pledge.

PUBLIC HEARING – LOCAL LAW #1-2019 WATERFRONT DEVELOPMENT DISTRICT

Attorney Campbell explained that the proposed Local Law will serve to amend section 137b of the zoning code regarding permitted uses in Waterfront Development District. He reminded everyone that several years ago, the Town Board made zoning changes to discourage residential use along the north shore of lake per recommendations made in the Comprehensive Plan. The zoning was changed to disallow residential use, however existing use was grandfathered in, meaning they can stay, but cannot be modified in any way. Many people were not aware of that. They requested that the Town Board make amendments to allow that residential use to continue as previously. The Town Board felt it was reasonable to make these changes, because they have not adopted the position to discourage residential use.

Supervisor Gott declared the Public Hearing open at 7:05 PM.

Clerk Hay read the notice of hearing for the record. Notice of said Public Hearing was sent to the following involved and interested parties: Livingston County Planning Board, Town of Avon, Town of Lima, Town of Conesus, Village of Livonia, Town of Richmond, Town of Geneseo, Town of Groveland, and Ontario County Planning Board. Notice was posted on the Town of Livonia bulletin board, official web site, at the Livonia post office, and was duly published in the official newspaper, the Livingston County News, on 1/10/2019.

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Comments:

Supervisor Gott opened the floor to comments from the Board and those in attendance. Councilmember English remarked that he is glad we are at this point. There were no other comments.

OPEN SESSION

Attorney Campbell mentioned that he spoke with the Bruckels regarding their desire to develop their property on West Lake Road to create an event venue with wine tastings. Previously, the Town Board had asked Attorney Campbell to speak with the Bruckels to get specifics about the proposed development because zoning would have to be changed to allow it.

The Bruckels were present at the meeting and shared their wish list:

On-Site Buildings

1. Wine Tasting Room – approximately 3,600 square feet with walkout basement, retail included.
2. Event Center – approximately 11,200 square feet attached to a wine tasting room, both buildings with outdoor seating.
3. Production Facility – 5,000 square feet with 1,250 square feet crush pad attached.
4. Potential Villas – 4, 4-room suites to accommodate wedding parties.

Site Work

1. Current plantings – 1.4 acres of vines
 - will be adding an additional 1.6 acres of vines in Spring of 2019
 - all vines ending 2019 will be located on the North East section of the property
 - additional vines to follow
2. Ponds
 - currently 1 on-site, which they plan to enhance
 - plan on adding a 1.5-acre pond south of vines for phot-ops and additional scenery
3. Parking – All guest parking will be located on the west side of the property off of Rte. 256
 - parking lot will feature a roundabout and porte-cochere
 - no driveway access to and from Pebble Beach Road
 - access to production facility will use current driveway and require small extension

The Bruckels indicated that they are anxious to get their project started, but zoning changes would have to be made first.

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RESOLUTION 18-2019

DIRECT ATTORNEY CAMPBELL TO DRAFT A LOCAL LAW TO EXTEND ZONING DISTRICT TO INCLUDE BRUCKEL PROPERTY

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

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

Resolved to direct Attorney Campbell to draft a local law to extend the nearby zoning district to include the Bruckel property located on Route 256.

A resident asked if the noise ordinance was going to be looked at along with this project, and if that is included in the planning. Attorney Campbell stated that the Noise Ordinance is still pending and will probably be considered at the same time this local law is being considered. He added that there will be a Planning Board review of this project, and during the site plan review lighting, noise, etc. will be considered.

RESOLUTION 19-2019

APPROVE MEETING MINUTES FROM 1/3/19

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

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

Resolved to approve the meeting minutes from January 3, 2019.

RESOLUTION 20-2019

APPROVE INVESTMENT POLICY

The Board reviewed the current Investment Policy.

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

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

Resolved to approve Investment Policy dated 1/18/1998 with no changes.

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RESOLUTION 21-2019
APPROVE PROCUREMENT POLICY

The Board reviewed the current Procurement Policy.

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

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

Resolved to approve Procurement Policy dated 11/20/2014 with no changes.

DICUSSION RE: PROPOSED LOCAL LAW 1-2019 WATERFRONT DEVELOPMENT DISTRICT, CONTINUED

Supervisor Gott again asked for comments on Proposed Local Law #1-2019 regarding changes to the Waterfront Development District. Councilmember Seelos remarked that it is needed. There were no further comments.

Supervisor Gott closed the Public Hearing at 7:22 PM

Attorney Campbell asked to have the record reflect that this proposed local law was referred to the Livingston County Planning Board and neighboring municipalities per Town Law §264 (2). The County Planning Board considered it on December 13 and took no action.

Attorney Campbell advised that if the Town Board is ready to move forward, the next step is to complete a SEQR Full Environmental Review. The Board indicated it was their wish to move forward. Attorney Campbell reviewed the questions in Part 2, and the Board answered no to all questions.

RESOLUTION 22-2019
ADOPT FINDINGS OF PART 2 LONG FORM ENVIRONMENTAL ASSESSMENT FORM (EAF)

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

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

Resolved to adopt findings of part 2 Long Form Environment Assessment Form (EAF).

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RESOLUTION 23-2019

ADOPT NEGATIVE DECLARATION

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

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

Resolved to adopt a Negative Declaration based on the findings in part 2 of the Long Form EAF.

RESOLUTION 24-2019

AUTHORIZE SUPERVISOR TO SIGN LONG FORM EAF AND TOWN CLERK TO SUBMIT FINDINGS TO THE ENVIRONMENTAL NEWS BULLETIN (ENB)

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

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

Resolved to authorize Supervisor Gott to sign the Long Form EAF and direct the Town Clerk to submit the findings to the Environmental News Bulletin (ENB).

RESOLUTION 25-2019

ADOPT LOCAL LAW #1-2019 – WATERFRONT DEVELOPMENT DISTRICT

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

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

Resolved to Adopt Local Law #1-2019 Waterfront Development District as follows:

A local law to amend Chapter 150 of the Code of the Town of Livonia, Livingston County, New York to modify section 150-37. B.

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

SECTION 1. TITLE AND SCOPE

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This local law shall be known as “A LOCAL LAW TO AMEND CHAPTER 150 OF THE CODE OF THE TOWN OF LIVONIA, LIVINGSTON COUNTY, NEW YORK TO MODIFY SECTION 150-37. B. of Chapter 150.”

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

B. To these ends, this local law and the Chapter 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. CHANGES TO SECTION 150-37. WD Waterfront Development District

A. The current Section 150-37. B. of the Livonia Town Code is hereby modified and amended to include new permitted uses, which such sections are designated as “§150- 37. B. (2), (3) and (4)” and shall read as follows:

(2) Single-family dwelling.

(3) Two-family dwelling.

(4) Multifamily dwelling, subject to the requirements of Article VII, §150-59.

B. The current Section 150-37. C. of the Livonia Town Code is hereby modified

