

TOWN BOARD MEETING, TOWN OF LIVONIA

September 21, 2023

A 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 St, Livonia NY.

PRESENT: Eric Gott, Supervisor
Joseph Breu, Councilmember
Peter Dougherty, Councilmember
Andy English, Councilmember
Matt Gascon, Councilmember-absent
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 7:00 PM.
PJ Dwyer led the pledge.

PRIVELAGE OF THE FLOOR

Julie Holtje from the Building and Zoning department came and spoke about a new program she would like to see implemented to help restructure the workflow of the department and explained that the cost is in the proposed budget. The program would allow residents to apply for and see what's happening in the department with ease, and the assessor's office, clerk's office and BZ department would all have access and be able to work cohesively.

Councilman English reported that the Parking lot milling got done at Vitale Park, and they're looking to pave next Thursday and stripe it next Friday.

A resident came and expressed interest in finding out about agritourism and wants to use his land to rent out to campers who would like to stay in the area.

A resident from 5762 S. Lima Road came to follow up on her concern about noise and cars from a local business. Campbell explained there is litigation between owner and tenant and the owner will not let the tenant apply for a site plan review to adjust to the business need. The town will be enforcing any violations.

RESOLUTION 134-2023

ENTER EXECUTIVE SESSION TO DISCUSS THE EMPLOYMENT HISTORY OF AN INDIVIDUAL

TOWN BOARD MEETING, TOWN OF LIVONIA

September 21, 2023

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

ADOPTED Ayes - 4 (Gott, Dougherty, Breu, English)
Nays – 0

Resolved to enter executive session at 7:16pm

RESOLUTION 135-2023

RETURN TO OPEN SESSION

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

ADOPTED Ayes - 4 (Gott, Dougherty, Breu, English)
Nays – 0

Resolved to return to Open Session at 8:08PM

RESOLUTION 136-2023

APPROVE MEETING MINUTES FROM 08/17/2023

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

ADOPTED Ayes - 4 (Gott, Dougherty, Breu, English)
Nays – 0

Resolved to approve the meeting minutes from 8/17/2023

RESOLUTION 137-2023

TOWN CLERK REPORT

Paid to Supervisor for the General Fund	\$4,538.73
Paid to County Treasurer for Dog Licenses	\$325.50
NYS Comptroller's Office (Bingo and Games of Chance Licenses)	\$0.00
Paid to NYS Ag & Markets for the Spay/Neuter Program	\$115.00
Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	\$5,923.52
State Health Department (marriage licenses)	\$112.50
TOTAL DISBURSEMENTS	\$11,015.25

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

TOWN BOARD MEETING, TOWN OF LIVONIA

September 21, 2023

ADOPTED Ayes - 4 (Gott, Dougherty, English, Breu)
Nays – 0

Resolved to approve Clerk Anderson’s report.

RESOLUTION 138-2023

HIRE SYDNEY KOLODZIEJ AS PAGE

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

ADOPTED Ayes - 4 (Gott, Dougherty, Breu, English)
Nays – 0

Resolved to hire Sydney Kolodziej as Library Page effective 9/19/2023 for four hours a week at a rate of pay of \$14.32 an hour.

RESOLUTION 139-2023

CHANGE TITLE OF CONNOR MARSLAND FROM MUSEUM ASSISTANT TO CLEANER

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

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

Resolved to change Connor Marsland’s title from Museum Assistant to cleaner, effective 5/27/2023.

RESOLUTION 140-2023

SET BUDGET WORKSHOP FOR 2024

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

ADOPTED Ayes - 4 (Gott, Dougherty, Breu, English)
Nays – 0

Resolved to set the budget workshop for the 2024 budget on November 9, 2023 at Livonia Town Hall at 6:00pm

RESOLUTION 141-2023

SET AND PUBLIC HEARING FOR 2024 BUDGET

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

ADOPTED Ayes - 4 (Gott, Dougherty, Breu, English)

TOWN BOARD MEETING, TOWN OF LIVONIA

September 21, 2023

Nays – 0

Resolved to set public hearing for the 2024 budget on November 16, 2023 at Livonia Town Hall at 7:00pm

RESOLUTION 142-2023

SET PUBLIC HEARING WATER AND SEWER UNIT CHARGES

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

ADOPTED Ayes - 4 (Gott, Dougherty, Breu, English)
Nays – 0

Resolved to set the public hearing for Water and Sewer unit charges to November 16, 2023 at 7PM at the Livonia Town Hall.

INTRODUCTION OF LOCAL LAW #5-2023-OVERRIDE TAX LEVY LIMIT

A local law to override the tax levy limit established in General Municipal Law 3-C

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Livonia pursuant to General Municipal Law §3-c 5, and to allow the Town of Livonia to adopt a budget for the fiscal year 2024 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c 2 (g).

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by adoption of a local law approved by a vote of sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Livonia, County of Livingston, is hereby authorized to adopt a budget for the fiscal year 2024 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, §3-c.

TOWN BOARD MEETING, TOWN OF LIVONIA

September 21, 2023

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION 143-2023

SET PUBLIC HEARING FOR LOCAL LAW #5-2023 OVERRIDE TAX LEVY LIMIT

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

ADOPTED Ayes - 4 (Gott, Dougherty, Breu, English)
Nays – 0

Resolved to set the public hearing date for November 16, 2023 at 7:00pm at the Livonia Town Hall.

RESOLUTION 144-2023

SET SALARIES FOR ELECTED OFFICIALS

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

ADOPTED Ayes - 4 (Gott, Breu, Dougherty, English)
Nays – 0

Resolved to set the following 2024 salaries for certain elected officials: Justices \$16,580; Councilmembers \$8,477.07; Supervisor \$40,257; Town Clerk \$49,283; Highway Superintendent \$73,460.

RESOLUTION 145-2023

ADOPT SPECIFIC FINDINGS FOR PART 2 OF FEAF

TOWN BOARD MEETING, TOWN OF LIVONIA

September 21, 2023

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

ADOPTED Ayes - 4 (Gott, English, Breu, Dougherty)
Nays – 0

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 146-2023

DETERMINATION TO DECLARE NEGATIVE DECLARATION

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

ADOPTED Ayes - 4 (Gott, Dougherty, Breu, English)
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 147-2023

AUTHORIZE SUPERVISOR GOTT TO SIGN SEQR DOCUMENTS

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

ADOPTED Ayes - 4 (Gott, Dougherty, Breu, English)
Nays – 0

Resolved to authorize Supervisor Gott to sign all SEQR documents.

RESOLUTION 148-2023

ADOPT LOCAL LAW #4-2023 AGRI-TOURISM AND AGRIBUSINESS

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

TOWN BOARD MEETING, TOWN OF LIVONIA

September 21, 2023

ADOPTED Ayes - 4 (Gott, Dougherty, Breu, English)
Nays – 0

LOCAL LAW NO. 4 OF THE YEAR 2023

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 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.

TOWN BOARD MEETING, TOWN OF LIVONIA

September 21, 2023

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:

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

“FARM

TOWN BOARD MEETING, TOWN OF LIVONIA

September 21, 2023

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 or poultry 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, Farm related camping and lodging, U-pick operations, seasonal events, pumpkin patches, farm breweries, farm cideries, farm distilleries and farm wineries, and offering to the public, or to invited groups, the sale 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 Farm Operation and enhance the public's understanding and awareness of agriculture, farming and farm life.”

TOWN BOARD MEETING, TOWN OF LIVONIA

September 21, 2023

“FARM OPERATION

Shall have the meaning as defined 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 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.”

TOWN BOARD MEETING, TOWN OF LIVONIA

September 21, 2023

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 or poultry 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:

“(10) Agritourism or Agribusiness, in accordance with Article VII -

TOWN BOARD MEETING, TOWN OF LIVONIA

September 21, 2023

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 to the natural environment, and to 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 site shall be determined by Planning Board.

TOWN BOARD MEETING, TOWN OF LIVONIA

September 21, 2023

- (6) Permitted Agritourism or Agribusiness activity shall be and remain an Accessory Use to the Owner's Farm or Farm Operation.
- (7) Any significant or material change or expansion of the uses associated with a previously granted Conditional Use Permit for Agritourism or Agribusiness shall require additional review and approval by the Town of Livonia Planning Board.
- (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 applicable Building and Fire Codes, including periodic fire inspections.
- (10) Hours of operation and noise levels 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.

Resolved to adopt Local Law #-4 Agri-tourism and Agri-business.

RESOLUTION 149-2023

AUDIT OF CLAIMS

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

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

Resolved to pay claims 741-751 in the amount of \$49,186.58 from the abstract dated August 24, 2023.

RESOLUTION 150-2023

AUDIT OF CLAIMS

TOWN BOARD MEETING, TOWN OF LIVONIA

September 21, 2023

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

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

Resolved to pay claims 752-781 in the amount of \$136,145.56 from the Abstract dated September 7, 2023.

RESOLUTION 151-2023

AUDIT OF CLAIMS

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

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

Resolved to pay claims 782-834 in the amount of \$80,133.42 from the abstract dated September 21, 2023.

With no further business, on a motion of Councilmember Breu seconded by Councilmember Dougherty the meeting was adjourned at 8:26PM Carried unanimously.

Respectfully Submitted,

Hayley Anderson
Town Clerk