

Official Minutes

A regular meeting of the Town Board of the Town of Lima, County of Livingston and the State of New York was held at the Town Hall, 7329 East Main Street, Lima, New York, on the **4th day of June 2019** at 6:00 P.M. Notice was printed in the Mendon-Honeoye Falls-Lima Sentinel.

PRESENT: Supervisor, Michael Falk
 Deputy Supervisor, Ian Adams
 Councilperson, Cathy Gardner
 Councilperson, Bruce Mayer
 Councilperson, Bill Carey
 Councilperson, Dan Marcellus
 Town Attorney, James Campbell
 Town Clerk, Jennifer Heim

EXCUSED: Highway Superintendent, Keith Arner

Guest(s): Tom Simpson, Wyatt Petraitis, Brady Junot, Cayden Yusko, Braxton Yusko, Blake Petraitis, Jeana Sansone, Chrissy Petraitis, David Leathersich and Stephen E. Werner.

Call the Meeting to Order

Supervisor Falk called the meeting to order at 6:00 P.M. followed by the Pledge of Allegiance.

Open Public Hearing – Proposed Local Law No. 1 of 2019

Adding Solar Energy Systems Article to the Code of the Town of Lima

Supervisor Falk opened the public hearing regarding Local Law #1 of 2019.

Town Resident Tom Simpson read a list of prepared questions and statements, included here: Why is there no Tier 3 mentioned?

The proposed law conflicts with the NY State initiative to be 50% renewable energy by 2030.

Can Tier 2 producers create an energy co-op that supplies their electric needs?

For example, multiple property owners combine resources to create a local owned solar farm that provides lower cost and dependable electricity.

According to the proposed law, electric production can be produced for a business owner for Town of Lima only? As a person that owns a business in Avon, the electric transmission wires do not stop at the town limit.

If there is a moratorium on large scale solar installations, why is the village of Lima installing one? This contradicts the rules that we are supposed to follow.

The new law states that Tier 2 installations can be set up for businesses along 5&20 industrial area, this is one of the most visible areas of the town. If the goal is to make solar installations less visible, they should be installed in remote areas that are not being farmed.

Looking at the Lima farm land

map, <https://www.livingstoncounty.us/DocumentCenter/View/99/Lima-Map?bidId=> there are many areas not being farmed, that if used, would not disrupt agricultural use.

The town of Mt Morris is expected to receive an additional \$400,000 per year in additional taxes (Livingston County News) on a new solar farm.

If this were installed in Lima, It would fund 1/5 of the 2019 Lima budget.

Possibly lowering town taxes by 1/5 or the money could be used to create grants or incentives to get business to move into vacant stores in the village.

By making this law the town creates a perception that we are not interested in new businesses that could benefit from lower cost and dependable electric. Instead of modeling "open for business" we are "closed for business"

Councilwoman Gardner discussed the proposed law, noting that it provides for every property owner in the town, including residents, farms and other businesses, to install solar equipment to generate electricity for their own use. She further noted that the law does not provide for the development of large-scale solar projects intended to generate electricity for multiple users.

In reaching these determinations, the town acted in accordance with town goals outlined in the comprehensive plan, which includes Lima's agricultural

and farmland protection plan, and with consideration of the town's soil resources.

NYSERDA (NYS Energy Research and Development Authority) sponsored solar workshops and provided printed resources that were referenced in developing Lima's local law. With regard to siting, these resources encourage the protection of prime and statewide important agricultural soils for farming and identify preferred sites for large, multi-user installations, including brownfields, out of use previously developed lands, capped landfills and areas of marginal quality soils. Only 8% of the world's soils are prime quality, while the vast majority of Lima's soils are of this quality. This is a truly unique natural resource and it is in large part responsible for Lima's strong agricultural business sector.

Councilwoman Gardner pointed out that Lima does not have enough farmland available for Lima farm operations even now, and that many Lima farm businesses lease additional land outside of the town. She noted that maintaining the town's agricultural land base and limiting fragmentation is vitally important to sustain Lima's farm businesses and that, in two surveys used to develop Lima's comprehensive plan, residents identified protection of agricultural lands and businesses as a high priority for the community. In closing, she stated that every community must account for their local resources and goals in reaching determinations of this type.

Town resident Steve Werner spoke in favor of the law. He spoke about the value of the soils and the businesses that depend on the availability of good farmland and expressed appreciation for all of the work that was done to develop the solar law for the town.

Supervisor Falk read a letter in support of the law submitted by town resident and immediate past Town Supervisor, Pete Yendell, that is included here: I reviewed the most recent copy of proposed Solar Regulation Local Law 4.3.2019. I know this law is the culmination of several years of research that contained all available information from various sources. This local law was reviewed by the Livingston County Planning Board for their input. It also involved input from New York State regulations. I feel this proposed local law meets all three objectives stated in the opening statements and in particular it supports Lima's goal of sustaining its agriculture business sector by

preserving its uniquely valuable resources for agriculture production. I am in full support of this local as written.

Steven Werner stated his support of the local law not allowing large scale solar installations on prime soils, and mentioned Lima has some of the best.

Supervisor's Report

Supervisor Falk mentioned receipt of said report. On a motion by Councilperson Gardner to accept the Supervisor's report, seconded by Councilperson Mayer, the vote went as follows:

CARRIED: Ayes: 5 Falk, Mayer, Gardner, Carey, Marcellus
 Nays: 0

May 7th Town Board Minutes and May 21st Joint Town & Village Minutes

Minutes from both meetings were approved, upon motion by Councilperson Gardner, seconded by Councilperson Carey, the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Gardner, Carey, Marcellus
 Nays: 0

Audit of Claims/Abstracts

Resolved that the bills contained on Abstract #6 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Funds:	No. 154 through 190	\$25,829.28
Water Funds 1, 2, &3:	No. 17 through 20	\$ 6,364.45
Highway Funds:	No. 83 through 99	\$53,625.16

On a motion by Councilperson Marcellus, seconded by Councilperson Mayer, the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Gardner, Carey, Marcellus
 Nays: 0

Boy Scouts

The boy scouts and two leaders asked for board permission to hold a tough mudder event at Mark Tubbs Park. They mentioned the Village board approved. Upon motion by Councilperson Gardner to hold the event, seconded by Councilperson Carey the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Gardner, Carey, Marcellus
 Nays: 0

Building Inspector/Code Enforcement Officer Report

Charlie Floeser discussed his report. The board also discussed the citizen complaint form that was put on the website. After discussion it was agreed to take the form down from the website and this time, have same reviewed by Town Attorney Campbell and discuss at the next board meeting.

Town Water Report

Supervisor Falk discussed the water report prepared by Highway Superintendent Arner. In District #1 the sample was negative, no issues. District #2 there is an ongoing issue with Coates and Meisenzahl. No other repairs. Letter being sent to Coates about disconnect options. The Highway Department is evaluating replacing all meters with Sensus Meters. They have drive-by meters with outside attachments that can be replaced if needed. District #3 no issues or problems. District #4 housing has started.

Post Office

Falk mentioned carriers from the Honeoye Falls branch will be returning to Lima on September 14th. They are still waiting for the landlord to fix the roof.

Complete Streets Resolutions #4 of 2019

Gardner was at the Planning Board meeting where George Gotcsik distributed the Complete Streets Resolution. She said at a recent meeting he asked for comments and no one replied. Councilperson Gardner told the board they can approve the resolution or wait for a formal request from Mr. Gotcsik. The board agreed to approve same. Upon motion by Councilperson Mayer to approve the Complete Streets Resolution, seconded by Councilperson Carey, the vote was as follows:

CARRIED Ayes: 5 Falk, Mayer, Gardner, Carey, Marcellus
 Nays: 0

Complete Streets Resolution

Resolution #4 of 2019 Dated: June 4, 2019

Whereas, Chapter 398 of the Laws of New York State define: Complete Streets” as streets that are safe, convenient and comfortable for all ages and abilities using any mode of transportation (motor vehicle, public transportation, foot, bicycle etc.); and

Whereas, *Complete Streets* design features and practices include, but are not limited to, sidewalks, paved shoulders suitable for cycling, designated bike lanes, lane striping, “Share the Road” signage,

crosswalks, curb ramps, pedestrian crossing signage, traffic calming measures such as bump cuts, sidewalk snow removal, and routine shoulder & bike lane maintenance; and

Whereas, *Complete Streets* has been recognized and adopted as policy and law at Federal, State, County, City, Town and Village levels in the interest of improving multi-modal transportation options, safety and accessibility for all users; and

Whereas, The Town of Lima recognizes that *Complete Streets* will increase the enhancement of pedestrian, bicycle and trail connections within our neighborhoods;

Now, Therefore it be Resolved, that the Town of Lima hereby recognizes the importance of creating *Complete Streets* through the planning, design and construction of all new streets and street reconstruction undertaken by and in the town which enables safe travel by all users including pedestrians, public transportation riders and people of all ages and abilities including children, youth families, older adults and individuals with disabilities; and

Be it further Resolved that the Town of Lima will attempt to draw upon all possible funding sources that are available to plan and implement *Complete Streets* elements to make implementation economically feasible; and

Be it further Resolved that the Town of Lima will consider incorporation *Complete Streets* design features and practices in the planning, design and implementation processes for any construction, reconstruction, retrofit, maintenance, alteration or repair of streets, bridges or other portions of the town's transportation network whenever feasible; and

Be it further Resolved that the Town Highway Department shall presume that *Complete Streets* features, including but not limited to sidewalks, bicycle lanes, etc., will be included in each road project unless the Highway Superintendent determines that inclusion is not justified or practical. The Highway Superintendent shall provide said determination in writing, with supporting documentation, to the Town Board at its request.

For illustration purposes, but not as a comprehensive list, *Complete Streets* features shall not be required where the Town Highway Superintendent makes a determination that one of the following conditions exists:

- The cost of accommodations is excessively disproportionate to the cost of the project, comprising more than 20% of total cost; or
- There is insufficient space to safely accommodate new facilities; or
- A reasonable equivalent facility, such as an adequate pedestrian path on a parallel route, is already available or is planned as an alternative; or
- Detrimental environmental or social impacts outweigh the need of these accommodations; and

Be it further Resolved that the Town of Lima recognizes that local Town streets and roads with low vehicle volumes, slow travel speeds, and low intensity of development already safely and efficiently accommodate pedestrians and bicyclists. Sidewalks, bicycle lanes, or other bicycle and pedestrian or

Complete Streets features shall not be required on roadways designated as low-volume, slow-speed routes by the Highway Superintendent and Town Board; and

Be it further Resolved that to the extent practical and deemed advisable by the Town Board, all future Town laws, ordinances or regulations and all future revisions to existing laws, ordinances, and regulations, including but not limited to regulations for zoning, subdivision, sidewalk maintenance, site plan, and design standards, shall incorporate *Complete Streets* principles to safely accommodate travel for all categories of road users; and

Be it further Resolved that all new residential subdivisions of three (3) lots or more within the Town of Lima shall be required to construct sidewalks within the development at the time of initial construction of the infrastructure serving such subdivision. Such sidewalks shall be designed and built to the requirements of the Town Planning Board pursuant to any design criteria or standards that may be from time to time established.

Be it further Resolved that it is the intention of the Town that at the time site plan application is made relating to any commercial or industrial development within the Town of Lima, that the Planning Board consider whether there would be an appropriate benefit from the developer installing sidewalks or other pedestrian traffic mechanisms on or about the site. Should the Planning Board deem such features not appropriate at the time of development, the Planning Board should consider whether it is advisable for easements to be reserved for the benefit of the Town to allow for future development of such features.

Local Law #2 of 2019 – Entitled “Adding Solar Energy Systems Article to the Code of the Town of Lima”

Marcellus stated he thinks the board is making the right decision to pass the Local Law for long term community good.

Councilperson Gardner recommended the board include the two (2) referrals submitted by the County Planning Board into the new local law. The referral made by the County Planning Board is as follow: The Town may wish to consider adding maximum lot coverage and minimum lot size requirements for ground-mounted solar energy systems.

1. If the Town wants to apply regulations as defined in the district in which the system is located, the Town should consider adding language to specify this. Additionally, the Town may want to identify other exiting zoning regulations that may be applicable, such as Environment Protection and Historic Overlay Districts.
2. The Town specifies an expected timeline for dismantling and removal of the solar energy system. The Town may wish to consider specifying a

timeline for soil remediation and restoration of the land. The Town may also wish to consider adding soil sampling requirements as part of Site Plan review to ensure the original state of soil is achieved upon removal/decommissioning of energy system.

Close the Public Hearing

Upon motion by Councilperson Mayer to close the public hearing at 7:15 P.M., seconded by Councilperson Gardner the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Gardner, Carey, Marcellus
 Nays: 0

SEQR Review – Full Environmental Assessment Form

Attorney Campbell walked the board through the SEQR Review. After discussion Gardner made a motion to adopt the official findings of part 2 of the environmental Assessment form, seconded by Councilperson Mayer, the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Gardner, Carey, Marcellus
 Nays: 0

Campbell stated after making those findings the board needs to move onto part 3 which is the evaluation of the magnitude and importance of project impacts and determination of significance. Based on the findings the only logical conclusion, per Campbell, is to move on what is called a negative declaration that states there is no likely hood of any significant negative environmental impact as a result of the proposed action. Upon motion by Councilperson Gardner to propose a negative declaration, seconded by Councilperson Carey, the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Gardner, Carey, Marcellus
 Nays: 0

Upon motion by Councilperson Gardner, authorizing Town Supervisor Falk to sign the SEQR document, seconded by Councilperson Marcellus the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Gardner, Carey, Marcellus
 Nays: 0

Upon motion by Councilperson Gardner authorizing Town Clerk Heim to submit the findings to the Environmental Notice Bulletin, seconded by Councilperson Marcellus, the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Gardner, Carey, Marcellus
 Nays: 0

Local Law #2 of 2019 Adopted

TOWN OF LIMA
LOCAL LAW NO. 2 OF THE YEAR 2019
A Local Law Entitled “Adding Solar Energy Systems article to the Code of the
Town of Lima.”

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

The code of the Town of Lima shall be amended by the addition of a new Chapter entitled “Solar Energy Systems” as follows:

Authority

This Solar Energy Law is adopted pursuant to Sections 261-263 of the New York State Town Law, which authorizes the Town of Lima to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and to provide for, so far as conditions may permit, the accommodation of Solar Energy Systems (as hereafter defined) and equipment which generate electricity primarily for on-site use.

Statement of Purpose

This Solar Energy Law is adopted to permit the construction of Solar Energy Systems in the Town of Lima in a manner that advances and protects the public health, safety and welfare of the Town of Lima while facilitating the production of renewable energy. In so doing, this Chapter seeks to:

1. Take advantage of a safe, abundant, renewable and non-polluting energy resource.
2. Preserve and protect the natural resources and Prime Farmland/Farmland of Statewide Importance within the Town of Lima in accordance with the Town’s Comprehensive Plan, inclusive of the Town’s Agricultural and Farmland Protection Plan, which requires consideration of uses that support and facilitate agriculture and prohibition of uses that do not.

3. Permit solar installations as hereinafter defined in all zoning districts for the production of renewable energy to be used principally on-site, subject to reasonable conditions to mitigate potential impacts to adjoining properties and preserve neighborhood aesthetics.

ARTICLE I. Findings of Town Board.

The Town Board of the Town of Lima makes the following findings:

- A. The Town Board of the Town of Lima has heretofore adopted a Temporary Moratorium concerning the siting and construction of large scale or commercial/industrial Solar Energy Systems within the Town of Lima. In connection with its review of this subject, the Town Board has recognized the desirability of promulgating regulations as to the siting and construction of Solar Energy Systems in other applications.

The Town Board of the Town of Lima has not prohibited the erection or creation of small-scale Solar Energy Systems intended to primarily benefit the property on which the Solar Energy System is located. To date, existing Solar Energy Systems in the Town of Lima have been built and used in residential applications.

- B. The Town Board of the Town of Lima recognizes that solar energy is a clean, readily available and renewable energy source. At this time, the Town of Lima intends to accommodate the use of Solar Energy Systems in the context of residential and agricultural applications, as well as single-user commercial applications in which the Solar Energy System provides energy for the commercial property, but is not intended to create sufficient excess solar energy to make its resale as a marketable commodity the purpose of the Solar Energy System, but rather an incidental or subordinate product thereof. The Town Board's determination not to allow Large-Scale Solar Energy Systems (as hereinafter defined) is based on the Town's farmland protection objectives, recognition of unique local conditions, i.e. the prevalence of highly productive soils throughout the entire Town, recognition that fragmentation of the land base is counter to local objectives and threatens the sustainability of agriculture.
- C. The Town Board acknowledges and finds a growing need to properly site Solar Energy Systems within the boundaries of the Town of Lima so as to protect the large abundance of Prime Farmland/Farmland of Statewide Importance within the Town, residential properties, business areas and other land uses, to preserve the overall beauty, nature and character of the Town of Lima, to promote the effective and efficient use of solar energy resources, and to protect the health, safety and general welfare of the citizens of the Town of Lima.

- D. Prior to the adoption of this Chapter, no specific procedures existed to address the siting of Solar Energy Systems or to mitigate their potential impact upon adjoining properties or the public view shed. Accordingly, the Town Board finds that the promulgation of this article is necessary to direct the location and construction of these systems.
- E. Solar Energy Systems need to be regulated for removal when no longer utilized.

ARTICLE II. Definitions.

The following definitions shall apply to this Chapter:

APPLICANT: The person or entity filing an application and seeking approval under this Chapter.

BUILDING-INTEGRATED PHOTOVOLTAIC SYSTEM: A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other façade material, semitransparent skylight systems, roofing materials, and shading over windows.

BUILDING-MOUNTED SOLAR ENERGY SYSTEM - Any Solar Energy System that is affixed to the side(s) of a building or other structure either directly or by means of support structures or other mounting devices, but not including those mounted to the roof or top surface of a building. Said system is designed and intended to generate electricity solely for use on said lot, potentially for multiple tenants, through a distribution system that is not available to the general public.

FARMLAND OF STATEWIDE IMPORTANCE: Land, designated as “Farmland of Statewide Importance” in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that is of statewide importance for the production of food, feed, fiber, forage, and oilseed crops as determined by the appropriate state agency or agencies.

GLARE: The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in material aspects.

GROUND-MOUNTED SOLAR ENERGY SYSTEM - Any Solar Energy System that is affixed directly or indirectly to the ground or land surface, rather than attached to the wall or roof of a structure. Said system is designed and intended to generate electricity solely for use on said lot, potentially for multiple tenants, through a distribution system that is not available to the general public.

LARGE-SCALE SOLAR ENERGY SYSTEM: A Solar Energy System that is ground-mounted and produces energy primarily for the purpose of offsite sale or consumption. A Large-Scale Solar Energy System is not authorized or permitted, but is prohibited by this local law.

PRIME FARMLAND: Land, designated as “Prime Farmland” in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops.

ROOFTOP-MOUNTED SOLAR ENERGY SYSTEM - Any Solar Energy System that is affixed to the roof of a building and wholly contained within the limits of the roof surface. Said system is designed and intended to generate electricity solely for use on the lot (upon which the structure containing the Solar Energy System is located), potentially for multiple tenants, through a distribution system that is not available to the general public.

SOLAR ACCESS: Space open to the sun and clear of overhangs or shade so as to permit the uses of active and/or passive Solar Energy Systems on individual properties.

SOLAR ENERGY EQUIPMENT: Electrical storage devices, material, hardware, inverters, or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

SOLAR ENERGY SYSTEM: The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all of the land inside the perimeter of the Solar Energy System which extends to any interconnection equipment. A Solar Energy System is classified as a Tier 1, Tier 2 or Tier 3 Solar Energy System as follows:

- A. Tier 1 Solar Energy Systems include the following:
 - (1) Roof-Mounted Solar Energy Systems
 - (2) Building-Integrated Solar Energy Systems

- B. Tier 2 Solar Energy Systems include Ground-Mounted Solar Energy Systems that generate no more than 110% (except in the Industrial Use District as set-forth immediately below) of the electricity consumed on the site or more than one site or piece of property within the jurisdictional limits of the Town of Lima owned by the same person, entity, farm or business over the previous 12 months. Tier 2 Solar Energy Systems may include Solar Energy Systems that are developed, operated and maintained by a third-party by lease agreement or through a power purchase agreement, but in no event shall such systems produce power in excess of the 110% maximum yield as referenced immediately above.

Tier 2 Solar Energy Systems located on properties that are currently developed (as of the date of adoption of these regulations) and operating as industrial use properties and are located in the Industrial Use District located on the north and south sides of New York State Routes 5 & 20 and being easterly of the easterly line of the Village of Lima, shall be permitted to site and develop on such properties, Tier 2 Solar Energy Systems that generate up to 175% of the electricity consumed on such site over the 12 months prior to development, so long as such lands are already part of a parcel that has been developed for industrial use and is not in agricultural production. This unique and “area specific” provision is deemed appropriate because several of the developed industrial use parcels already have significant electrical infrastructure that provides capacity to easily and efficiently accept a greater amount of electrical energy input from a Solar Energy System. It is the specific intent of this provision that no land within the Industrial Use District that is in agricultural production be removed from such production in order to develop Tier 2 Solar Energy Systems. It is also the intent of this allowance to permit Tier 2 Solar Energy Systems at a higher level than would otherwise be permitted, only as a secondary or accessory use that is subordinate to the principal industrial use of such properties.

- C. Tier 3 Solar Energy Systems are systems that are not included in the list for Tier 1 and Tier 2 Solar Energy Systems.

SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electrical energy.

STORAGE BATTERY: A device that stores energy and makes it available in an electrical form.

UNIFIED SOLAR PERMIT: An expedited solar permitting process has been developed by the NY-Sun public-private partnership, which process utilizes a standard, unified permit across municipalities in New York State.

ARTICLE III. Applicability. The placement, construction and major modification of all Solar Energy Systems within the boundaries of the Town of Lima shall be permitted only as follows:

- A. A building permit issued by the Town of Lima Building Department shall be required for the installation of any Solar Energy System.
- B. All Solar Energy Systems existing on the effective date of this local law shall be allowed to continue in usage as such presently exist. Routine maintenance (including replacement with a new system of like construction and size) shall be

permitted on such existing systems. New construction other than routine maintenance shall comply with the requirements of this chapter.

- C. No Solar Energy System shall hereafter be erected, moved, reconstructed, changed or altered except in conformity with these regulations.
- D. All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code (“Building Code”), the NYS Energy Conservation Code (“Energy Code”) and the Town of Lima Code.
- E. Any applications pending for Solar Energy Systems on the effective date of this local law shall be subject to the provisions of this law.
- F. This local law shall take precedence over any inconsistent provisions of the Zoning Law of the Town of Lima.

ARTICLE IV. Use Districts Where Allowed. Subject to the provisions of this Chapter, certain Solar Energy Systems shall be allowed as follows:

- A. Tier 1 Solar Energy Systems are permitted outright in all zoning districts in the town.
- B. Tier 2 Solar Energy Systems are permitted as accessory structures in all zoning districts in the town, except for Land Conservation Districts (L-C). Tier 2 Solar Energy Systems located in the Industrial Use District on the north and south sides of New York State Routes 5 & 20 east of the Village of Lima have special allowances as set-forth in Article II. B. above.
- C. Tier 3 Solar Energy Systems are prohibited in all zoning districts in the town.
- D. Any inconsistent provisions of the Zoning Law which purport to or may be interpreted to regulate or to allow Solar Energy Systems other than as set forth in this Chapter are hereby superseded.

ARTICLE V. Permitting Requirements for Solar Energy Systems.

- A. Tier 1 Solar Energy Systems shall be permitted in all zoning districts and shall be exempt from site plan review under the local zoning code or other land use regulation, subject to the following requirements for each type of Solar Energy System:

- (1) Roof-Mounted solar energy Systems may be attached to any lawfully permitted building or structure and shall incorporate the following design requirements:
 - a. Roof-Mounted solar energy systems shall not exceed the maximum height restrictions of the zoning district within which are located and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.
 - b. Solar panels on pitched roofs shall be mounted with a maximum distance of 12 inches between the roof surface and the highest edge of the system.
 - c. Solar panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.
 - d. Glare: All Solar Panels shall have anti-reflective coating(s).

- (2) Building-integrated Solar Energy Systems shall be shown on the plans submitted for the building permit application for any building containing such system and shall meet the following requirements:
 - a. Building-mounted solar energy systems shall not be located or extend more than 7 feet from the building wall and in no instance shall any part of the system extend beyond the roof line or parapet wall.

- B. Tier 2 Solar Energy Systems shall be permitted in all zoning districts as accessory structures, except for Land Conservation Districts.

Site plan approval is required for Tier 2 Solar Energy Systems to be built or modified for the production of electricity principally for on-site use for a commercial or industrial business within the Town of Lima.

All other Tier 2 Solar Energy Systems, including systems for farm operations, are exempt from site plan approval.

- (1) Tier 2 Solar Energy Systems within Residence Use Districts (R), General Business Use Districts (B), Industrial Use Districts (M), Planned Development Districts (P-D), Planned Senior Residential Districts (PD-SR) and Mining, Quarrying and Land Excavations Districts (Q) shall be subject to the following requirements:

- a. Setbacks: Tier 2 Solar Energy Systems shall be subject to the setback regulations for a building or accessory structure within the underlying zoning district, whichever setback is greater.
- b. Location: Tier 2 Solar Energy Systems shall be located in the side or rear yard of a property. No placement in a front yard shall be permitted unless the location is a minimum distance of (200) feet from the road and entirely concealed from view from the road due to topography or landscape conditions that must be maintained for the duration of the installation of said system.
- c. Height: Tier 2 Solar Energy Systems shall comply with the height limitations specified for accessory structures within the underlying zoning district.
- d. Glare: All Solar Panels shall have anti-reflective coating(s).
- e. Screening and Visibility: All Tier 2 Solar Energy Systems shall have views minimized from adjacent properties to the extent reasonably practicable. Evergreen tree plantings may be required to screen portions of the site from nearby residential property, public roads, and from public sites known to contain important views or vistas, such as gateway entrances to the Town. Solar Energy Equipment shall be located in a manner to reasonably avoid and/or minimize blockage of views from surrounding properties and shading of property to the north, while still providing adequate solar access.

(2) Tier 2 Solar Energy Systems within Agricultural Use Districts (A) and which are a part of a farm operation as defined by Article 25 AA of the New York State Agriculture and Markets Law shall not be subject to site plan review and shall be subject to the following requirements:

- a. Setbacks: Tier 2 Solar Energy Systems shall be subject to the setback regulations for a building or accessory structure within the underlying zoning district, whichever setback is greater.
- b. Height: Tier 2 Solar Energy Systems shall comply with the height limitations specified for accessory structures within the underlying zoning district.
- c. Glare: All Solar Panels shall have anti-reflective coating(s).

C. Solar storage batteries. When solar storage batteries are included as part of any

Solar Energy System, they shall be placed in secure container or enclosure meeting the requirements of the New York State Building Code.

- D. All Solar Energy Systems shall adhere to all applicable federal, state, county and Town of Lima codes, laws, regulations and building, plumbing, electrical and fire codes.
- E. Any Solar Energy System shall be situated in a location which shall be readily accessible for all emergency service vehicles and personnel.
- F. All structures and devices used to support solar collectors shall be non-reflective and/or painted a subtle or earth-tone color.
- G. The design, construction, operation and maintenance of any Solar Energy System shall prevent the misdirection and/or reflection of solar rays onto neighboring properties, public roads and public parks in excess of that which already exists.
- H. The development and operation of a Solar Energy System shall not have a significant adverse impact on fish, wildlife or plant species or their critical habitats, or other significant habitats identified by the Town of Lima or other federal or state regulatory agencies.
- I. Artificial lighting of any Solar Energy Systems shall be limited to lighting required for safety and operational purposes only, and shall be shielded from all neighboring properties and public roads so as to prevent the illumination of adjoining properties or excessive lighting.
- J. If the use of an approved Solar Energy System is discontinued, the owner or operator shall notify the Building Inspector within thirty (30) days of such discontinuance. If a Solar Energy System is to be retained and reused, the owner or operator shall further inform the Building Inspector of this in writing at such time and obtain any necessary approvals within one year, otherwise it shall be automatically deemed abandoned.

ARTICLE VI. Maintenance, procedures and fees.

- A. Time limit on completion. After the granting of site plan approval of a Ground-Mounted Solar Energy System by the Planning Board, the building permit shall be obtained within six (6) months and the project shall be completed within twelve (12) months. If not constructed, the permit and/or site plan approval shall automatically lapse twelve (12) months after the date of approval by the Town of Lima Planning Board. A new application will be subject to ordinary review and approval to obtain a new building permit.

- B. Inspections. Upon reasonable notice, the Town of Lima Building Inspector or his or her designee may enter a lot on which a Solar Energy System has been constructed for the purpose of compliance with any requirements or conditions. Twenty-four (24) hours advance notice by telephone to the owner/operator or designated contact person shall be deemed reasonable notice. Any fee or expense associated with this inspection shall be borne entirely by the permit holder. Consent to such inspection shall be deemed given by the applicant upon submission and granting of A Unified Solar Permit.
- C. General complaint process. During construction, the Town Building Inspector can issue a stop order at any time for any violations of a site plan or building permit.
- D. Continued operation. A Solar Energy System shall be maintained in operational condition at all times, subject to reasonable maintenance and repair outages. Operational condition includes meeting all approval requirements and conditions. Further, the Building Inspector shall also have the right to request documentation from the owner for a Solar Energy System regarding the system's usage at any time.
- E. Removal and Soil Remediation. All non-integrated Ground-Mounted Solar Energy Systems shall be dismantled and removed immediately from a lot where the permit or approval has been revoked by the Town of Lima Planning Board or the Solar Energy System has been deemed inoperative or abandoned by the Building Inspector for a period of more than three hundred and sixty-five (365) days, which said dismantling and removal shall be at the cost of the Solar Energy System owner. Removal of all equipment and infrastructure and remediation of soil and vegetation in the entire area which supported the installation shall be required to be returned to its original state (prior to construction), within three hundred and sixty-five (365) days of such revocation of the permit or approval, or after having been deemed inoperative or abandoned. This work shall be inspected and approved for satisfactory compliance by the town building inspector. If the Solar Energy System owner, applicant, successor or landowner (if different) does not dismantle and remove from the premises said Solar Energy System as required, and does not restore and remediate the soil so as to support vegetation and plant life of the type that would have been supported on said site prior to the installation of the Solar Energy System, the Town Board may, after a hearing at which the Solar Energy System owner, applicant, successor or landowner shall be given an opportunity to be heard and present evidence, dismantle and remove said facility and/or remediate the site and place the cost of removal and/or remediation as a tax lien on said parcel, regardless of whether the owner of the parcel owned or leased the Solar Energy System. The Town Board shall also be authorized to maintain an action at law to compel the Solar

Energy System owner, applicant, successor or landowner to accomplish such removal and remediation, but the Board cannot be required to exercise this remedy, which shall be available to it in its reasonable discretion.

- F. Determination of Abandonment or Inoperability. A determination of the abandonment or inoperability of a Solar Energy System shall be made by the Town Building Inspector, who shall provide the Solar Energy System owner, applicant, successor or landowner with written notice by personal service or certified mail. Any appeal by the Solar Energy System owner, applicant, successor or landowner of the Building Inspector's determination of abandonment or inoperability shall be filed with the Town of Lima Zoning Board of Appeals within thirty (30) days of the Building Inspector causing personal service or mailing certified mail his written determination and the Board shall hold a hearing on same. The filing of an appeal does not stay the following time frame unless the Zoning Board of Appeals or a court of competent jurisdiction grants a stay or reverses said determination. At the earlier of the three hundred and sixty-six (366) days from the date of determination of abandonment or inoperability without reactivation or upon completion of dismantling and removal, any approvals for the Solar Energy System shall automatically expire.

- G. Application and annual fees.
 - (1) Site plan application for Ground-Mounted Solar Energy Systems. An applicant shall pay the standard site plan review fee as determined from time to time by the Town Board, by resolution.

 - (2) Fee for issuance of a building permit. In addition to any site plan application fee, an applicant shall pay a building permit fee for a:
 - (a) Building-Mounted, Ground-Mounted or Rooftop-Mounted Solar Energy System: one-half of one percent of the project cost, or such other amount as the Town Board may, from time to time, determine by resolution.

- H. Prior to the issuance of a building permit, the applicant shall document that all applicable federal, state, county and local permits have been obtained.

- I. In the context of the requirement of site plan approval, the Town of Lima Planning Board may:
 - (a) For Ground-Mounted Solar Energy Systems when review is required by the Board pursuant to this article, grant site plan approval, deny site plan approval or grant site plan approval with written stated conditions. Denial of site plan approval shall be by written decision based upon

storage containers are not in the best interest for the Town of Lima. They are not a good industrial development in providing jobs. They are tractor trailer sized boxes which are batteries that are used to supply energy once charged and are extremely noisy. Upon motion by Supervisor Falk, Attorney Campbell will prepare a local law to make a change to the Town of Lima code that does not allow battery energy storage systems at this time, seconded by Councilperson Gardner, the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Gardner, Carey, Marcellus
 Nays: 0

Communications

No communications besides the above email from Yendell.

Library Roof

Falk mentioned transfers will need to be completed to cover the cost of the roof repair while waiting for grant money. A motion was made by Councilperson Mayer to hold a public hearing at the July meeting for said transfers, seconded by Councilperson Carey, the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Gardner, Carey, Marcellus
 Nays: 0

Village Water Project

Falk mentioned the village water project, specifically the shed, needs to be altered on Rochester Street. The original plan was to make the building out of wood but after discussion it was determined wood was not the best option for the water shed. The cost of the project will rise.

Review Website Projector

The Board is waiting for the new website update and will review then. Councilperson Gardner will contact Mike Leavy to take photos of Lima for website photos. They will review same at the July meeting.

Town Hall Hazardous Materials Study

Falk received two proposals as follows: Polito Home Inspections, hazardous material survey for Lima Town Hall renovations, proposed \$5,800 and Ravi Engineering & Land Surveying, P.C., proposed \$10,500 for same work to be completed. Maria Mazurek of Clark Patterson Lee recommended Polito Home Inspections. Upon motion by Councilperson Mayer to accept Polito to

complete the hazardous materials study, seconded by Councilperson Carey, the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Gardner, Carey, Marcellus
 Nays: 0

Advertising for Holidays

Clerk Heim has been receiving emails from newspaper companies asking to advertise the Town of Lima for holidays. The board discussed same and agreed it is pricey and not right to spend tax payer money for these ads. If a board member wishes to advertise they can do so with their own money.

Fair Housing Policy, ADA Policy & ADA Grievance

Falk informed the board that as part of the CDBG grant monies, Bristol ID received, the Town of Lima needs to pass the above mentioned policies and procedures.

Upon motion by Councilperson Gardner to accept the above Fair Housing policy, seconded by Councilperson Mayer, the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Gardner, Carey, Marcellus
 Nays: 0

FAIR HOUSING POLICY

TOWN OF LIMA / COUNTY OF LIVINGSTON

I. Introduction

The Town of Lima understands the importance of taking action to further fair housing in the community and is committed to meeting its responsibilities in this respect as a recipient of Federal Community Development Block Grant funds. To ensure that residents are aware of fair housing provisions under Federal and State law and of the processes and assistance available to obtain compliance with existing statutes, the Town has developed this Fair Housing Plan. The Plan describes the procedures developed to further fair housing in the community.

II. Availability Of Information

The Town's Fair Housing Plan recognizes that public knowledge of fair housing provisions is the first step in expanding equal opportunity. Toward that end, the Town has taken, or will take the following actions:

- A. *Appoint a Fair Housing Officer*

The Fair Housing Officer, the Code Enforcement Officer, appointed by the Town of Lima, has the following responsibilities:

1. Maintain Federal and State fair housing information in the Community Development Department including brochures issued by the U. S. Department of Housing and Urban Development (HUD) and the New York State Division of Human Rights.
2. Record initial information regarding housing discrimination complaints on a standard form.
3. Forward copies of all complaints to and, as appropriate, consult with the Fair Housing/Equal Opportunity Division of the applicable HUD Office.

B. Provide Information

The Town will make available, upon request, copies of applicable Federal and State laws which contain anti-discrimination provisions, including: Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Fair Housing Amendments Act of 1988 and the Human Rights Law (Executive Law, Article 15) of the State of New York.

C. Promote Fair Housing Activities and Available Resources

The Town will designate the month of April as *Fair Housing Month* and will promote said designation through the Town of Lima proclamation.

The Town will further promote fair housing and housing resources by posting Fair Housing posters in visible locations within all Municipal buildings.

III. Discrimination Complaints

The Town will provide information and assistance to individuals who feel that they have been the victims of discrimination in regard to housing.

A. Discriminatory Housing Practices

For the purpose of this Plan, a discriminatory housing practice means an act that is unlawful under sections 804, 805, 806 or 818 of the Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended). Such discriminatory housing practices include discrimination in the sale or rental of housing, discrimination in the provision of brokerage services, or interference, coercion,

or intimidation, as defined under the Act, on the basis of race, color, religion, national origin, sex, handicap or familial status.

B. *Receiving Complaints*

The Fair Housing Officer will record information on a standard form to ensure that a complete file is established. Following this, the Fair Housing Officer will then contact the Department of HUD and/or the New York State Division of Human Rights to review the particulars of the complaint and request guidance in the formal filing of the complaint in cases where the individual decides to use this method. Copies of all complaints will also be forwarded to the Fair Housing and Equal Opportunity Division of the HUD Office in Buffalo, New York. If the complainant decides to take his/her case directly to Federal Court, the Town will consult with the County Bar Association on the appropriate procedures to be followed and the procedure for securing affordable legal services if the individual is of low- or moderate-income.

ADA (Americans with Disabilities Act) Policy

Upon motion by Councilperson Gardner to accept the below policy, seconded by Councilperson Mayer the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Gardner, Carey, Marcellus
 Nays: 0

Town of Lima / County of Livingston

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the Town of Lima will not discriminate against qualified individuals with disabilities on the basis of disability in its services, program, or activities.

Employment: Town of Lima does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: Town of Lima will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Town of Lima programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and

communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: Town of Lima will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the Town of Lima offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Town of Lima should contact the office of the Lima Town Supervisor, (585) 582-1130, as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Town of Lima to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the Town of Lima is not accessible to persons with disabilities should be directed to the Lima Town Supervisor, (585) 582-1130.

Town of Lima will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

ADA Grievance Procedure

Upon motion by Councilperson Gardner to accept the ADA Grievance Procedure, seconded by Councilperson Carey, the vote went as follows:

CARRIED: Ayes: 5 Falk, Mayer, Gardner, Carey, Marcellus
 Nays: 0

PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT Town of Lima / County of Livingston

Adopted June 4, 2019

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who

wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Town of Lima. Employment related complaints of disability discrimination are covered elsewhere, in policies available from the human resources office of the Town of Lima.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. No particular format of the complaint is required. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted in writing by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Town of Lima Supervisor

supervisor@townoflima.org

7329 East Main Street, Lima, NY 14485

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Town of Lima and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Chief Elected Official of the Town of Lima For his/her designee.

Within 15 calendar days after receipt of the appeal, the Chief Elected Official of the Town of Lima or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with the Town of Lima final resolution of the complaint, or indicating that the matter has been returned to the ADA Coordinator for further action. If further response is indicated, the complainant will be contacted within 15 calendar days.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the Chief Elected Official of the Town of Lima or his/her designee, and responses from these two offices will be retained by the Town of Lima for at least three (3) years.

Social Media Policy

Upon motion by Councilperson Mayer to accept the Social Media Policy, seconded by Councilperson Carey, the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Gardner, Carey, Marcellus
 Nays: 0

Said policy will be completed and reviewed at the July meeting.

Request to Purchase a Sander for the Highway Department

Superintendent Arner emailed the board, as he was at highway school, requesting approval to purchase a stainless steel sander. Upon motion by Councilperson Carey to purchase the sander, seconded by Councilperson Gardner, the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Gardner, Carey, Marcellus
 Nays: 0

Resolution to Terminate the Joint Recreation Committee

Attorney Campbell drafted a resolution to terminate the joint recreation committee per the request of the Village, as recreation is no longer held or managed by the Town and Village. Upon motion by Councilperson Gardner to terminate the recreation committee, seconded by Councilperson Marcellus the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Gardner, Carey, Marcellus
 Nays: 0

TOWN BOARD
TOWN OF LIMA
COUNTY OF LIVINGSTON

RESOLUTION #7 of 2019

At a regular meeting of the Town Board of the
Town of Lima, Livingston County, State of New York,
held at the Lima Town Offices on June 4, 2019

WHEREAS, the Town of Lima (hereafter “Town”) and the Village of Lima (hereafter “Village”) previously entered into a Municipal Cooperation Agreement providing for the formation of a Joint Recreation Commission pursuant to General Municipal Law Article 13 and § 244-d, said Agreement bearing the date June 16, 1977 (hereafter “Original Agreement”); and

WHEREAS, effective the 1st day of January 1988, the Town and Village modified the Original Agreement by entering into a new Municipal Cooperation Agreement (hereafter “Current Agreement”) which was intended to reflect changes in the operations of the Joint Recreation Commission; and

WHEREAS, the Town and Village each adopted a Resolution to authorize and ratify the Current Agreement, with the Town’s resolution being adopted on or about September 11, 1988; and

WHEREAS, the Town and Village have determined that there is no longer a need or a public benefit to have a Joint Recreation Commission and accordingly wish to terminate the Current Agreement.

NOW, THEREFORE, upon motion by Councilperson Gardner seconded by Councilperson Marcellus it is hereby

RESOLVED, that the Town Board of the Town of Lima hereby determines that the Municipal Cooperation Agreement between the Town and the Village, effective as of January 1, 1988 and establishing and governing the Joint Recreation Commission, is no longer needed nor serves as a public benefit; and be it further

RESOLVED, that the Town Board of the Town of Lima does hereby officially terminate the Municipal Cooperation Agreement effective as of January 1, 1988 between the Town of Lima and the Village of Lima and does hereby authorize a copy of this adopted resolution to be provided to the Village as notice of such termination.

Dated: June 4, 2019

Vote of the Board:	Michael J. Falk	Aye
	Dan Marcellus	Aye
	Cathy Gardner	Aye
	Bill Carey	Aye
	Bruce Mayer	Aye

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LIMA**

Jennifer A. Heim, CMC, RMC,

Farm Signs

Acting on a request from the Agricultural Advisory Committee, Councilperson Gardner asked for approval to purchase right-to-farm signs with her reserved stipend. The signs will be posted on town and county roads at entrance points to the town. Upon motion by Councilperson Mayer to purchase and put up the signs, seconded by Councilperson Carey the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Gardner, Carey, Marcellus
 Nays: 0

Lateral Restriction Policy

Councilperson Gardner distributed the below memo to board members.

MEMO TO: Lima Town Board
FROM: Lima Agriculture Advisory Committee
REGARDING: Lateral Restriction Policy
DATE: April 3, 2019

With the Livingston County Water Study underway and the prospect of local planning related to water service, the Agriculture Advisory Committee undertook consideration of a recommendation in Lima’s Agricultural and Farmland Protection Plan to implement the NYS Department of Agriculture Lateral Restriction Policy.

New extensions of water service reduce the cost to develop property and promote conversion of land to non-farm development.

Lateral Restriction Policy, if implemented, permits water service connections only for existing structures at the time of waterline installation, future agricultural structures as well as land and structures that have already been approved for development at the time of water/sewer introduction. The policy applies to land parcels that are enrolled in the County Agricultural District and ceases to apply when a parcel is removed from the District. Parcels not enrolled in the District are not covered by the policy.

Bob Somers, NYSDAM, explained that the policy can serve to slow accelerated development which accompanies water service extensions, but it will not stop conversion of the agricultural land base

As per Lima Town Code, Article IV – Agricultural Use Districts, Section 250-10, Purpose:

A. The purpose of the Agricultural Use District is to ensure that agriculture shall be the primary land use, to promote the vitality of agriculture in the Town of Lima as an essential element of the economic stability and growth of the Town, to preserve the rural character of the Town, to assure compatible types of development on and adjacent to lands that are used for agricultural pursuits and, in keeping with the declared policy of the state, pursuant to New York State Agriculture and Markets Law, Article 25-AA, S 300, to conserve, protect and encourage the development and improvement of its agricultural land for production of food and other agricultural products and to conserve and protect agricultural lands as valued natural and ecological resources which provide needed open spaces for clean air sheds, as well as for aesthetic purposes.

...

D. ... Agricultural zones are also areas of the Town where it is unlikely public water or sewer will be made available, so as to reduce the economic pressures for development that often flow from the introduction of such facilities. Consequently, persons acquiring property in agricultural zones should not expect such public facilities to be provided.

New actions with potential to accelerate development of land in the town agricultural zoning district run counter to Lima’s objective to promote and sustain the viability of the town’s agricultural commerce and must be deliberated with care and attention to town goals.

When land in the agricultural zone is removed from agricultural use, it adds to the fragmentation of the land base which, taken cumulatively, reduces both the efficiency and the economic viability of farming. Further, each introduction of a non-farming use heightens the potential for non-farm neighbor conflicts.

We have seen the erosion, and in some areas, near elimination of farming in surrounding communities as infrastructure build-out and lack of agriculture planning have led to permanent, developed conversion of agricultural land.

Lima has experienced some farmland conversion in the form of low-density residential development. In 2019, with a significant base of prime farmland still in production, Lima's ag business sector is healthy, Plans that have been developed to sustain it must be given due consideration and acted on to ensure its continuance.

Following discussion of this topic at two meetings, the Ag Committee acknowledged both the importance and the challenges that are associated with maintaining a viable agriculture sector and providing water to established homes in areas that lack good well water supply.

With the goal of helping homeowners and farm businesses that lack adequate on site water service, the Ag Committee recommends that consideration be given to the installation of a bulk water station in Lima. This would enable customers to purchase water in quantities large enough to fill tanks or cisterns and would be a great help to people who presently have to travel to other towns for this service.

Looking forward, the Committee recommends further study of this critical topic. Specifically, the committee would like to identify policies that are better matched to Lima's goals than the lateral restriction policy, as written in model form. Alternative policy examples from other towns or counties may be helpful, as might be consideration given to the development of a new policy for Lima.

The Agricultural Advisory Committee agreed to seek examples of alternative policies and additional information on this subject for review at future meetings on this topic.

The Ag Committee respectfully requests that members be kept abreast of the Livingston County Water Study, and in particular, any planning or policy proposals that would in any way pertain to the Town of Lima. It was noted that Genesee County undertook a similar study and that agricultural interests were among priority considerations that informed the final plan and

subsequent service extensions. The Committee would like to hear more about the success of that effort, preferably outside of peak season.

In the interest of maintaining a permanent record of Agriculture Committee deliberations and advice concerning important matters, the Chairman of the committee requests that this memorandum be presented and included in the official minutes of the May 7, 2019 Town Board meeting minutes.

*Re: Town of Lima Agriculture Advisory Committee Meeting held April 3, 2019
Members Present: Chairman Dennis Neenan, Ed Blodgett, Jr., Ron Blodgett,
Richard Gruschow, Marc Krieger, Mike Neenan*

Community Projects

Councilperson Marcellus distributed an outline of how community projects are to be completed in the future to eliminate uncompleted projects by the Eagle Scouts. The board will review same and discuss at the July meeting.

Upon motion by Councilperson Mayer to adjourn at 8:40 PM, seconded by Councilperson Gardner, the vote was unanimous.

Respectfully Submitted by:

Jennifer Heim, CMC/RMC
Town Clerk