

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 2nd day of February 2021 at 6:00 P.M. Notice was printed in the Mendon-Honeoye Falls-Lima Sentinel.

PRESENT: Supervisor, Michael Falk
Councilperson, Leta Button
Councilperson, Bruce Mayer
Councilperson, Jon Belec
Councilperson, Bill Carey
Town Clerk, Jennifer Heim
Highway Superintendent, John Sokolofsky
Town Attorney, James Campbell

EXUSED: Code Enforcement/Building Inspector, Charlie Floeser

GUESTS: Blake Benson

Call the Meeting to Order

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

Continued Public Hearing Regarding a Proposed Amendment to Chapter 250 and Article IV of the Zoning Ordinance

Meeting minutes were received by the Planning Board and Agricultural Advisory Committee – attached to the end of the minutes.

After board discussion it was agreed to remove the proposed new permitted uses for welding and fabrication commercial businesses and automobile repair in the agriculture zoning district. Attorney Campbell will draft revisions to the proposed local law and distribute to the board for discussion at the March 2nd regularly scheduled meeting. This public hearing remains open.

Supervisor's Report

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

CARRIED: Ayes: 5 Falk, Mayer, Carey, Button, Belec
 Nays: 0

January 5th Minutes

Minutes were approved upon motion by Councilperson Button, seconded by Councilperson Mayer, the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Carey, Button, Belec
 Nays: 0

Audit of Claims/Abstracts

Resolved that the bills contained on Abstract #2 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Funds:	No. 7 through 35	\$ 105,811.37
Water Funds 1, 2, & 3:	No. 2 through 5	\$ 3,845.89
Highway Funds:	No. 4 through	\$ 10,748.28
Fire Protection Fund:	No. 1	\$ 93,507.00

On a motion by Councilperson Button, seconded by Councilperson Carey, the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Carey, Button, Belec
 Nays: 0

Building Inspector/Code Enforcement Officer Report

Report was distributed for board review.

Town District Operator Monthly Water Report

Highway Superintendent Sokolofsky explained the water report.

Water District #2 Village Project Costs

No updates currently.

Elevator Project

Supervisor Falk informed the board the elevator is moving along nicely and should be complete by the end of the month.

Planned Development Districts - Entertainment
Still in development.

Water District #5

This project is still in the hands of Engineers, Clark Patterson Lee. No updates currently.

Recovery of CEO Costs

Charlie Floeser is still working on these costs.

BAN District #2

Attorney Campbell distributed a proposed Resolution for a public hearing to be held at the regularly scheduled March 2nd meeting at 6:00 p.m. The purpose of the Public Hearing is to invite comment on a proposed resolution under section 202b of the Town Law, which will authorize certain water improvement projects as part of a joint project with the Village of Lima to improve the jointly owned water distribution system that serves Water District No. 2. Adoption of the 202b resolution is a necessary prerequisite to doing a Bond Resolution that will allow the Town to borrow money on behalf of Water District No. 2 to cover its share of the cost of the project. Upon motion by Councilperson Mayer to hold a public hearing per the legal notice below, seconded by Councilperson Carey, the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Carey, Button, Belec

TOWN OF LIMA

7329 East Main Street, Lima NY 14485

Legal Notice for Public Hearing to Receive Comment on the Town of Lima Water District No. 2 Water Delivery System Improvements

WHEREAS, the Town Board of the Town of Lima has determined that it is necessary to make significant improvements to the water delivery system (hereafter “Water Delivery System”) serving Town of Lima Water District No. 2 (hereafter “Water District No. 2”); and

WHEREAS, the Town Board of the Town of Lima recognizes there is a need to make significant improvements to the Water Delivery System in order to continue to provide safe and potable water to the users within Water District No. 2 and that appropriate improvements to the existing Water Delivery System will ensure a dependable source of water in the future; and

WHEREAS, in order to accomplish such need, the Town Board of the Town of Lima is proposing to join the Village in the undertaking of the Water Delivery System improvement project that involves the installation of a new water transmission main extension along NYS Routes 5 and 20, interior and exterior rehabilitation of the Village Water Tank and water transmission main replacement and meter vault improvements along NYS Route 15A, all as shown on the plans produced by the consulting engineer for the project, MRB Group, and as identified as MRB Project Number 1201.19001.000; and

WHEREAS, the Town Board is empowered to authorized such improvements subject to the provisions of New York State Town Law §202-b; and

WHEREAS, this Public Hearing Notice is made pursuant to and in compliance with Town Law § 193; and

NOW THEREFORE BE IT RESOLVED, that pursuant to New York State Town Law, a public hearing be held on the 2nd day of March, 20217 at 6:00 p.m. at the Town Hall located at 7329 East Main Street, Lima, New York, with respect to the proposed joint undertaking of the Water Delivery System improvement project that involves the installation of a new water transmission main extension along NYS Routes 5 and 20, interior and exterior rehabilitation of the Village Water Tank and water transmission main replacement and meter vault improvements along NYS Route 15A, all as shown on the plans produced by the consulting engineer for the project, MRB Group, and as identified as MRB Project Number 1201.19001.000 as more particularly described in the Final Engineering Report dated August, 2019, prepared by MRB Group, which said report is on file in the Lima Town Clerk's office; and be it further

RESOLVED, that the maximum amount proposed to be expended for the improvements is \$3,997,000.00; and be it further

RESOLVED, that no more than 14.3% of the anticipated cost (after application of grant dollars) for such improvements shall be borne by the Town of Lima Water District No. 2; and be it further

RESOLVED, that a copy of the Final Engineering Report dated August, 2019, prepared by MRB Group and being designated as Project No. 1201.18001.000, describing the proposed improvements to be constructed therein shall be available for the public inspection at the Lima Town Clerk's Office; and be it further

RESOLVED, that at the time and date aforementioned, all interested parties may be heard concerning the proposed improvements to the Water Delivery System as noted above and described in more detail in the Preliminary Engineering Report.

Dated: February 2, 2021

Published: February 11, 2021

By order of the Town Board

Ambulance Contract

The Village and Town boards will meet to negotiate the ambulance and fire district contracts.

Westfall Parole

The Town of Lima received a letter from Donna Clark of Dansville, NY asking the board to send a letter denying parole of Kevin Westfall. The board agreed to take no action.

Table and Chair Borrowing

The board discussed whether to continue with table and chair borrowing. After discussion the board agreed to eliminate table and chair borrowing.

Town Hall Rental

The board agreed to rent out the Town Hall, especially with access to the 3rd floor after the elevator project is complete. Supervisor Falk will look into insurance and a contract.

Electronic Recycling

The board discussed whether to hold an electronic recycling day. After discussion, the board decided at this time not to hold a recycling day. More research will be completed to possibly hold a recycling day for Town residents.

Hoist and Tamper Attachment for Highway Garage

Highway Superintendent Sokolofsky asked for board approval to purchase a hoist and tamper attachment for the garage. He requested a purchase for the hoist not to exceed \$4215 and a tamper attachment for the mini excavator, to be split 50/50 with the Village if approved, not to exceed \$6652 (Town not to exceed \$3400). Supervisor Falk requested Sokolofsky look into municipal bid before purchasing the above. If nothing competitive the board approved his request upon motion by Councilperson Carey, seconded by Councilperson Button, the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Carey, Button, Belec
 Nays: 0

Motion to adjourn at 7:15PM by Councilperson Mayer, seconded by Councilperson Carey, the vote was unanimous.

Respectfully Submitted by:

Jennifer Heim, CMC/RMC
Town Clerk

All documents mentioned in the Town Board Minutes can be reviewed at Town Hall.

Lima Planning Board Minutes of December 16, 2020 Zoom Meeting

The meeting was called to order by Chairman, George Gotcsik at 7:00 PM
All members except Ericka Grushow were present via Zoom. A copy of Local Law NO.1 of the year 2020 and a copy of the Livingston County Planning Board Comments had been previously provided.
Comments from the Town of Lima Public Hearing on December 1, 2020 were referred to as appropriate during the meeting
Chairman Gotcsik volunteered to take minutes since a new Board Secretary had not yet been selected.

Sections of the proposed amendments to Chapter 250 Article III and Article IV of the Zoning Ordinance of the Town of Lima were addressed in order:

Section 250-9 – Definitions

The Planning Board felt that the addition of equestrian supplies to this section is acceptable.

Section 250-11 R – Permitted Uses With A Special Use Permit

- S The Planning Board feels that Firewood Production as written should not be added to Permitted Uses, but with changes could be added to Permitted with a Special Use Permit. Possible restrictions that would have to be considered for a Special Use Permit include acreage, set back, sources of material, noise and proximity to neighboring

structures. The current proposed law does not identify any conditions to be considered for a special use permit.

The Planning Board offers to draft a definition of Firewood Production, appropriate site plan review and possible restrictions for the Town Board's consideration.

- A The Planning Board felt that the addition of breweries, distilleries and cideries to the already permitted use of wineries would be acceptable with a Special Use Permit. Again, a list of possible restrictions would be appropriate, especially regarding promotional events.
- B Farm equipment and incidental auto repair can be allowed in the Agricultural District, but dedicated vehicle repair that is not part of an agricultural operation should not be permitted in an Agricultural District. This proposed change is not supported by the Comprehensive Plan or the Agricultural and Farmland Protection Plan. Furthermore, the Planning Board feels that the acreage exists in Industrial and Commercial Zones to accommodate this type of business.
- C The Planning Board feels that allowing Welding/Fabrication in the Agricultural District with a Conditional Use Permit is too broad a proposal. This proposal is not supported by the Comprehensive Plan or the Agricultural and Farmland Protection Plan. The Planning Board understands Hill Top Welding's desire to expand and offers to work with the owner to try to develop possible ways to allow this preexisting business to expand in Lima. Since this business is located on the Lima, Livonia border, that municipality will have to be included in any discussion.

Town of Lima - Agricultural Advisory Committee
Meeting Minutes - January 20, 2021, 7 PM

PRESENT: Chairman, Dennis Neenan, Ed Blodgett, Jr., Dick Gruschow, Marc Krieger, Mike Neenan, Ted Zornow

EXCUSED: Ron Blodgett, Jr.

GUESTS: Mike Falk, Supervisor, Bruce Mayer, Town Board Liaison, John Bailey, Chairman, ZBA, Cathy Gardner

Dennis Neenan called the meeting to order at 7PM and invited Supervisor Falk to lead the Pledge of Allegiance.

Dennis noted that the meeting was called to review and comment on a local law proposed to amend the zoning ordinance for the town's agricultural zoning district. Mike Falk was invited explain the factors that led to the development of the proposal.

Mike explained that he initiated the process with the Town Board. He cited growth in the sector of breweries, distilleries and cideries. He said that he looked at different businesses that are impacted by

zoning and currently falling afoul of it, notably several firewood producers and a welding business in South Lima that would lose the ability to continue operations if it were to close for longer than twelve months as it is currently operating as a pre-existing, non-conforming use. J.P. Imports has been closed for more than twelve months and without a change in zoning, could not re-open for automotive service. He is looking for a way to make sure that Lima does not lose any business. He also explained that the recommendation to expand the definition of agribusiness enterprise to include equestrian supplies was in response to an inquiry made to the planning board.

Dennis asked Cathy Gardner to review Lima's Agricultural and Farmland Protection Plan as it pertains to this review. Cathy explained that the plan was developed with broad input gathered from a number of public meetings and more than 40 farmer and landowner interviews conducted by and with assistance from Diane Held, consultant with the American Farmland Trust and George Franz, agricultural consultant associated with Cornell University. Recognizing the value of Lima's agricultural land base, the plan was developed to sustain the town's agricultural business sector. The Agricultural Advisory Committee was formed as part of the plan's recommendations to give the agricultural community a voice in matters affecting the agricultural zoning district. It was noted that local government, as it regulates land use, can help maintain the land base that is needed to sustain agricultural businesses by limiting non-agriculture permitted uses and extension of public infrastructure in the agricultural zoning district. Once the plan was completed, a considerable number of changes were made to make the zoning regulations more supportive of agriculture and, in this process, a number of previously permitted uses were eliminated from the agricultural zoning district as they were identified as better suited to the town's commercial district. Cathy also explained that the town considered expanding the business zoning district during a subsequent zoning update, but acting on advice from the consultant retained for that project (Stuart Brown), decided against that change as the amount of space available for commercial development was found to be adequate at the time, and it was emphasized that filling in available commercial area makes most efficient use of infrastructure and generates activity in the area planned for commerce.

Dennis asked if members were familiar with the "DAN Plan," Livingston County's land use policies plan. He noted that it is a reference used by the Livingston County Planning Board and that it promotes growth in and out from village centers.

Following the opening discussion, the committee undertook review of each of the five changes proposed in the amendment to zoning.

1. Add permitted uses for BREWERIES and DISTILLERIES, with a special use permit, within the agricultural zoning district.

Mike explained that there has been growth of these business types in surrounding townships, that Livingston County does not have a distillery and that Livingston County is actively looking to attract one. These businesses are permitted in Lima's business district now.

Ed noted that he supports new business but would like to see a connection to the land and agriculture for business located in the ag zoning district. He expressed concern that softening the laws to allow businesses in the ag zoning district could also lead to open areas in the commercial district remaining vacant. Marc asked if neighboring communities permit these business types to locate in agricultural zoning districts. This has not been reviewed. Ted stated that commercial business in the ag district would not support local agriculture, and for this reason, he is not supportive of this change. Mike did

not foresee these business types growing or purchasing enough hops or grains to support local agriculture.

John Bailey recommended that the overall purpose of the Agricultural Zoning District should be considered as part of this entire review and that it would be beneficial to have local boards meet together to discuss the proposed changes and consider public input.

The Committee notes that these uses, as proposed, are commercial and not likely to operate or support local agriculture and therefore recommends against permitting breweries and distilleries in the agriculture zoning district.

2. Add EQUESTRIAN SALES to the definition for Agribusiness Enterprise, thereby permitting the owner of a farm or agricultural operation to engage in the sale of equestrian goods, subject to site plan review.

Committee members noted that this allowance is consistent with other types of agriculture related on farm sales that are permitted and that the requirement for a special use permit gives the town the ability to establish conditions and remedy the allowance if any unexpected problems develop.

The Committee notes that this use, as proposed, is consistent with other agribusiness allowances and supports this proposed amendment.

3. Add permitted use for FIREWOOD PRODUCTION, subject to Site Plan Review.

Mike indicated that he knows of at least four parties that are engaged in this activity currently. The committee engaged in lengthy discussion of this topic. It was noted that firewood harvested on site for personal use is an acceptable activity. Marc observed that a larger operation, producing firewood for sale, is pretty much the same as growing any other crop if done on a farm property but would not be the same if done on a 2.5 acre house lot. Ed pointed out the benefits to having people who can help others by removing dead and fallen trees and making good use of the wood for firewood in exchange. Mike doesn't see any issues with firewood production and recognized the value of associated income but noted that waste disposal and noise should be addressed. Dennis advised that firewood production be permitted as an accessory use only, thus requiring that it be tied to a residence and not allow for a tree service enterprise to buy open land for the sole purpose of operating a commercial business. He also noted that "housekeeping" can be an issue. An organized and maintained site is less likely to be problematic than one that is not. John Bailey noted that a key aspect to consider for this type of operation is lot size.

Considerable discussion ensued about how to set conditions with this use that would provide for sound practices and avoid nuisance disturbances for nearby neighbors. Suggestions for the town to consider included minimum setback requirements for firewood processing activities, possible stipulations for a maximum annual number of cords produced, requirements that any material brought from off-site be limited to firewood logs only, such that tops, limbs and tree waste is not imported from off-site. Reasonable conditions can help avoid nuisance operations and also give the town provisions for oversight and means to take action if there are problems.

The Committee supports the addition of firewood production, as an accessory use, subject to site plan review, with conditions to be determined that will ensure that the activity and related storage is permitted in a manner that will not create undue disturbance for neighbors.

4. Add permitted use for “FARM EQUIPMENT AND VEHICLE REPAIR THAT IS NOT PART OF AN AGRICULTURAL OPERATION OR AGRIBUSINESS ENTERPRISE” with a conditional use permit.

Mike explained that he was considering the J.P. Imports property. Since Mr. Payne passed away, the family has been liquidating the estate and more than twelve months have passed. Since this business had operated as a pre-existing non-conforming use, and more than twelve months have passed, it could not be sold to operate as a repair shop. He further explained that he does not want to lose business locations.

Dennis explained that zoning was undertaken in 1972 and that some uses at that time were determined not to belong in the district being established but were allowed to continue if established. The agricultural zoning district is also a residential district and it was determined that commercial businesses did not belong in this zone. Dick pointed out that the property condition of the business in question was not good and that it was not an attractive sight for people travelling through Lima. Ed, Mike, Ted and Marc all stated that this commercial type of business does not belong in the agricultural zone and that it is not worth opening up all of the land in the district for this type of business to address this one situation.

The Committee recommends against permitting this non-agricultural commercial use in the agricultural zoning district.

5. Add permitted use for “WELDING/FABRICATION THAT IS NOT PART OF AN AGRICULTURAL OPERATION OR AGRIBUSINESS ENTERPRISE” with a conditional use permit.

Members of the committee acknowledged that Hill Top Welding is a valued business. It is understood that the business is operating presently. Thus, the consideration to change zoning is to ensure that it would be permitted to continue to operate even if it were to cease operations for a period of more than 12 months and thus lose its status as a pre-existing non-conforming use in accordance with state law.

While opposed to the addition of a permitted use for new welding and fabrication commercial businesses in the agriculture zoning district, the committee supports looking for an alternative means to ensure that this business may continue. Could a small enterprise zone, or a mixed-use hamlet zone be structured to accommodate this use and, with public input from area landowners and residents, be established in a way that might benefit the South Lima area? It was noted that prime farmland should not be included in such a newly formed zone if possible.

The Committee recommends against permitting this non-agricultural commercial use in the agricultural district but recommends study of alternative zoning options that might accomplish the intended objective.

Mike Falk requested that the committee consider and provide advisory input on solar battery storage. Another meeting will be scheduled to consider this topic.

Adjourned at 9:15PM

Minutes respectfully submitted by Cathy Gardner, Volunteer Secretary