

**LIVINGSTON COUNTY PLANNING BOARD**  
**Meeting Minutes – January 10, 2019**

**In attendance:** TIM BRINDUSE, Village of Dansville; C. JOAN CRUNDEN, Town of Caledonia; KEVIN FAHEY, Village of Mt. Morris, Chairman; CATHIE GEHRIG, Town of Mt. Morris; BARRY INGALSBE, Village of Lima; DON KANE, Town of Leicester; STEWART LEFFLER, Village of Geneseo, Vice Chairman ; DAVID LUCE, Town of North Dansville; APRILE MACK, Alternate #1; ANITA MARTUCIO, Town of Conesus; KYLE MOTT, Town of Springwater; CLARA MULLIGAN, Town of Avon; JOANNE PALMER, Village of Livonia; ALEX PIERCE, Town of Nunda; JARED RADESI, Town of Geneseo; KAREN ROFFE, Village of Leicester; JACK SPARLING, Town of Livonia; JOHN VAN HEUSEN, Town of Ossian.

**Staff:** HEATHER FERRERO, Deputy Planning Director; DAVID PAOLETTA, Senior Planner; SHAWN ROONEY, Planning Assistant; Linda Shanks, Senior Typist.

**Members Excused:** JILL KALMAR, Town of West Sparta; DENNIS NEENAN, Town of Lima.

**Members Absent:** GRAHAM FRAZER, Town of Sparta.

**Guests:** Rick Flora, Suzanne Flora, Nicole Flora (ZR #2018-129); Rob Hayes, Village of Avon; Abby Meyer, Emma Vitello, SUNY Geneseo; Judith Falzoi, Avon.

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Chairman Fahey brought the January 10, 2019, meeting of the Livingston County Planning Board to order at 7:03 p.m.

Mr. Brinduse led the group in the Pledge of Allegiance.

Chairman Fahey welcomed everyone and introduced the guests present.

**Report of Nominating Committee**

Ms. Gehrig presented on Mr. Neenan's behalf, nominating Stewart Leffler as Chairman, Alex Pierce as Vice Chairman, and Joan Crunden as Secretary.

**A motion to approve the recommendations of the Nominating Committee and appoint those so named was made by Ms. Palmer and seconded by Ms. Roffe.**

The motion carried, with one abstention from Mr. Radesi.

Mr. Leffler assumed the role of Chairman and continued the meeting. He reviewed the rules for voting and for public speaking at the meeting, and summarized the parameters for County Planning Board recommendations and motions.

**Approval of Minutes from the December 13, 2018, County Planning Board Meeting**

**A motion to approve the meeting minutes from December 13, 2018, was made by Ms. Martucio**

*and seconded by Mr. Sparling.*

The motion carried.

**Zoning Referral #2018-129, Town of Livonia, Site Plan Review and Special Use Permit for a microbrewery at 3100 Rochester Road (Applicant: Rick Flora)**

Mr. Paoletta presented the Staff Report on the Referral.

Chairman Leffler asked for comments or questions.

- In response to Mr. Mott’s question, the Applicant, Rick Flora, stated that the waste water collection tank will be located inside the building, with a sump pump.

***A motion to approve Zoning Referral #2018-129, Town of Livonia, Site Plan Review and Special Use Permit for a microbrewery at 3100 Rochester Road (Applicant: Rick Flora), with staff comments, was made by Mr. Ingalsbe and seconded by Mr. Radesi.***

The motion passed with abstentions from Ms. Palmer, Mr. Sparling, and Mr. Brinduse.

**Zoning Referral #2018-132, Town of Leicester, Review of the Temporary “Moratorium Prohibiting Large Scale Solar Installations within the Town of Leicester” (Applicant: Leicester Town Board)**

Mr. Rooney presented the Staff Report on the Referral.

Chairman Leffler asked for comments/questions from the Board.

There were none.

Chairman Leffler asked for a motion on the Referral.

***A motion to approve Zoning Referral #2018-132, Town of Leicester, Review of the Temporary “Moratorium Prohibiting Large Scale Solar Installations within the Town of Leicester” with staff comments, was made by Ms. Palmer and seconded by Mr. Fahey.***

The motion carried, with one abstention from Ms. Roffe.

**Zoning Referral #2018-133, Town of Lima, Extension of the Moratorium Prohibiting Large Scale Solar Installations within the Town of Lima (Applicant: Town Board of Lima)**

Mr. Rooney presented the Staff Report on the Referral.

Chairman Leffler asked for comments/questions from the Board.

- Noting that this Moratorium has been considered for 2-1/2 years, Mr. Fahey asked if there were a limit on the number of extensions a municipality can request. A discussion ensued, with several members agreeing with Mr. Fahey’s observation.
  - Ms. Ferrero stated that there is no legal limit on extensions, as long as the municipality is perceived to be making progress in its review.
  - Mr. Rooney reported per Mary Underhill of the Planning Department: The Lima

Deputy Town Supervisor has stated that the Town is in the final stages of adopting the Moratorium and only needs the 3-month extension to complete the process, as requested.

Hearing no further comments or questions, Chairman Leffler asked for a motion on the Referral.

**A motion to approve Zoning Referral #2018-133, Town of Lima, Extension of the Moratorium Prohibiting Large Scale Solar Installations within the Town of Lima (Applicant: Town Board of Lima), with Board and staff comments, was made by Ms. Crunden and seconded by Mr. Van Heusen.**

The motion carried, with one opposing vote from Mr. Fahey.

**Zoning Referral #2018-130, Town of Caledonia, Site Plan & Subdivision Review for a retail store on Caledonia Avon Road (Applicant: DMK Development – Caledonia, LLC)**

Mr. Paoletta presented the Staff Report on the Referral.

Chairman Leffler asked for comments/questions from the Board.

- In response to Ms. Gehrig's question, Mr. Paoletta indicated that he was not sure which government authority mandates backflow prevention, but that it refers to both the State and County Health Departments.
- Ms. Mulligan's comment about aesthetics of the proposed building initiated a brief discussion. She and Mr. Radesi expressed their hope that the Town of Caledonia will consider a less industrial and more aesthetically pleasing design, perhaps similar to the store in Honeoye Falls, with grass and trees in front of the building, rather than a parking lot.

Hearing no further comments or questions, Chairman Leffler asked for a motion on the referral.

**A motion to approve Zoning Referral #2018-130, Town of Caledonia, Site Plan & Subdivision Review for a retail store on Caledonia Avon Road (Applicant: DMK Development – Caledonia, LLC), with Board and staff comments, was made by Ms. Gehrig and seconded by Ms. Roffe.**

The motion carried, with abstentions from Ms. Crunden and Mr. Mott.

**Zoning Referral #2018-136, Town of Avon, Site Plan Review, Subdivision Review, and Special Use Permit for a 4,000 KW solar farm at 500 Rochester Street (Applicant: Helios Energy New York, LLC)**

Mr. Rooney presented the Staff Report on the Referral.

Chairman Leffler asked for comments/questions from the Board.

- Ms. Crunden: With reference to decommissioning, does *operator* mean the person receiving the revenue generated by the panels?

Who is the contact person in case of accidents?

- Mr. Rooney: The operator is not specifically defined as such: i.e., the operator is

mentioned as the one responsible for the facility at the time of decommissioning. This might be a good recommendation to the Town.

According to the site plan, the sign at the site will display contact information.

- Mr. Fahey: Is a bond required?
  - Mr. Rooney: Yes, financial security is required for decommissioning, per language in the Plan.
- Mr. Brinduse: Were possible glare issues considered when siting the Project?
  - Mr. Rooney: The Town of Avon has no stipulations in its regulations regarding glare considerations.
- Mr. Ingalsbe and Ms. Gehrig: The protection of farmland and prime agricultural soils should be taken into consideration by the Town of Avon when deciding on this Project.
  - Guest Judith Falzoi: The Town of Avon Solar Law does not specifically address prime agricultural soils and soils of statewide importance, because they are so prevalent there. Instead, it sets limits on development per parcel of land.
- Mr. Kane noted that there is only one access point to the property, which cause significant and dangerous delays in fire and emergency response times.
- Mr. Pierce: If the land has been tilled and farmed, the impact of rain water on it should be considered.

If the proposed Project is 200 acres, why is the amount of disturbed impact only 0.5 acre?

- Mr. Rooney: According to the engineers of the Project, because the solar panel posts will be driven into the ground, they are not considered to have a big impact. The 0.5-acre disturbance will be for the access driveway.
- Mr. Brinduse added that, since no gravel bed will be put down, grading will not be required.
- Chairman Leffler suggested adding a recommendation to plant wildflowers, pollinators, and ground cover. Ms. Crunden noted her experience seeing sheep and other small livestock grazing on solar farm land in Austria.
- Chairman Leffler: Utilities are located within the gravel zone as noted on the site plan?
  - Mr. Rooney confirmed.
- Ms. Palmer: What type of fencing will there be?
  - Mr. Rooney: A 7-ft.-high chain link fence will surround the site.
- Mr. Mott: Does the setback refer to the solar panel or to the facility? If setbacks refer to the facility, is fencing considered part of the facility?
  - Mr. Rooney's interpretation is that the setback refers to the solar panel. The fence is allowed within that buffer area. The Town's solar law does not specify these parameters in detail.
- Mr. Radesi noted that setbacks and farmland protection are determined by each individual town. There is no assurance here that prime soils are protected. Ms. Gehrig agreed.
  - Ms. Ferrero added for the benefit of new members: The County Planning Board has

not yet recommended approval for any municipal solar law it has reviewed, because agricultural soils have not been sufficiently protected.

Hearing no further comments, Chairman Leffler asked for a motion.

***A motion to approve Zoning Referral #2018-136, Town of Avon Site Plan Review, Subdivision Review, and Special Use Permit for a 4,000 KW solar farm at 500 Rochester Street (Applicant: Helios Energy New York, LLC), with staff comments and the Board suggestion that pollinator plants be used for reseeding, was made by Mr. Brinduse and seconded by Mr. Van Heusen.***

The motion failed to pass, with votes of opposition from Ms. Martucio, Mr. Kane, Ms. Roffe, Ms. Gehrig, Mr. Fahey, Mr. Pierce, and Ms. Mack; and one abstention from Ms. Mulligan.

In the absence of another motion, Chairman Leffler stated that an official “No Action” has been taken by the Board. Advisory comments will be forwarded to the Town of Avon.

### **Local Announcements**

There were none.

### **Other Business**

Mr. Rooney announced the Second Annual Community Cleanup Event, to be held on April 27 and 28, 2019. He invited members to begin thinking about how their communities can participate. Any questions may be directed to him at 243-7550, or at srooney@co.livingston.ny.us. *(I looked up the spelling of Cleanup – when used as a noun or adjective, it’s one word, no hyphen; when used as a verb, it’s two.)*

- Mr. Pierce added that the January 23<sup>rd</sup> Environmental Management Council meeting will include a kickoff discussion of the Community Cleanup Event and invited members and/or representatives from their communities to attend.

Ms. Ferrero drew members’ attention to the two handouts received tonight: the *2019 County Planning Board Zoning Referral Deadline and Meeting Schedule* and the *Lake-Friendly Landscaping* flyer.

Reminder of the next County Planning Board Meeting on February 14, 2019.

### **Adjourn**

***A motion to adjourn was made by Ms. Palmer and seconded by Mr. Fahey.***

The meeting adjourned at 8:42 p.m.

Respectfully submitted, C. Joan Crunden, Secretary

Recorded by Linda Shanks, Senior Typist