

LIVINGSTON COUNTY PLANNING BOARD
Meeting Minutes –
January 13, 2022

In attendance: DON KANE, Town of Leicester; KAREN ROFFE, Village of Leicester; DAWN ANDERSEN, Town of Livonia; KEVIN FAHEY, Village of Mount Morris; CATHIE GEHRIG, Town of Mt. Morris; ALEX PIERCE, Town of Nunda, Chairman; MARY ELLYN MERLE CALABRESE, Town of Sparta; SARAH SANTORA, Village of Caledonia; TIMOTHY BRINDUSE, Village of Dansville; APRILE MACK, Village of Geneseo; ANITA MARTUCIO, Town of Conesus; JILL KALMAR, Town of West Sparta; JOANNE PALMER, Village of Livonia; C. JOAN CRUNDEN, Town of Caledonia; JARED RADESI, Town of Geneseo

Staff: HEATHER FERRERO, Deputy Planning Director; SHAWN ROONEY, Planner; MARY UNDERHILL, Planner

Members Excused: BARRY INGALSBE, Village of Lima; CLARA MULLIGAN, Town of Avon; JOHN VAN HEUSEN, Town of Ossian

Members Absent: ROBERT HAYES, Village of Avon; DAVID LUCE, Town of North Dansville; JOHN YUNKER, Alternate #1; DENNIS NEENAN, Town of Lima

Guests: BILL BACON, Economic Development; MICHAEL WEBER, Town of Sparta; STEVE SESSLER; MATT TOMILSON, Marathon Engineers; BRYAN BAYER, C&S Engineer; KIERAN SIAO, C&S Engineer; JOE GIBBONS; GILLIAN CONDE, DePaul

Chairman Pierce brought the January 13, 2022, meeting of the Livingston County Planning Board to order at 7:06 p.m.

Chairman Pierce led the group in the Pledge of Allegiance.

Chairman Pierce provided an overview of New York State General Municipal Law, Section 239-l, m, & n and reviewed the rules for member participation and voting.

- Abstentions:
 - Mr. Brinduse will be abstaining from Zoning Referral 2021-094 by DePaul due to being on the Dansville Joint Planning Board.

Approval of Minutes from the December 9, 2021, County Planning Board Meeting

Chairman Pierce asked if there were any comments regarding the Minutes from the December 9, 2021, County Planning Board meeting.

Ms. Andersen mentioned that she needs to be attended to the list of attendees.

Ms. Crunden mentioned that she noticed a typo where it says “Mr. Roffe” instead of “Ms. Roffe.”

A motion to approve the meeting minutes from December 9, 2021, with the above corrections, was made by Mr. Brinduse and seconded by Ms. Palmer. The motion carried. 15-0-0

Zoning Referral #2021-097, Town of Avon, Site Plan Review, Special Use Permit and Area Variance for a 4.37 MW Solar Project at 5530 Wolcott Drive (Applicant: Avon CSG I LLC)

Ms. Underhill presented the staff report. Items discussed included:

- Mr. Fahey asked the engineer what percentage of area variance is the applicant looking for?
 - Mr. Mayer with C&S Engineers commented that the measurement is from the fence and not the panel. He does not have the percentage value on hand.
 - Mr. Fahey stated that the percentage value is very important for determining if he would feel comfortable approving or not.
- Mr. Brinduse expressed concerns regarding the intrusion on the wetlands.
 - Mr. Bayer commented that with his knowledge in environmental, he believes that not all wetlands are created equal. These wetlands held water long enough where the Army Corps of Engineers categorized as a wetland, it is not what is typically thought of as a wetland.
 - Mr. Radesi stated he believes it should be stated that any permits should be received by the Army Corps of Engineers prior to final approval.
- Ms. Crunden stated that she feels a Material Safety Data Sheet with the ingredients in the panels should be included before final approval is received. Any potential hazardous components identified are to be mitigated by the Applicant to the satisfaction of the Town.
- Ms. Kalmar asked if battery energy storage is on the site plan or if it is intended for the site in the future if it is not represented on the site plan?
 - Ms. Underhill stated that the Town of Avon does not have an active battery energy storage system law. Therefore, battery energy storage would have to go with use variance which will be very difficult to achieve.
 - Mr. Siao with C&S Engineers stated that there are currently no batteries proposed for the project and there is no intention on adding batteries.
- Ms. Kalmar wanted to note that there is a significant portion of prime soil on this proposed project.

A motion to recommend disapproval of Zoning Referral #2021-097 due to the amount of prime soil in the project, and with staff advisory comments and County Planning Board comments, was made by Mr. Radesi and seconded by Ms. Mack. Opposed were Ms. Gehrig and Ms. Roffe. Abstained was Ms. Crunden. The motion did not carry. 12-2-1

There was a quorum present at the meeting, but there were not enough votes to pass a motion on this referral. The staff advisory comments and County Planning Board comments will be forwarded to the Town for consideration.

Zoning Referral #2021-094, Village of Dansville, Site Plan Review and Area Variances for a 3-story, 48-unit apartment building on Franklin Street (Applicant: DePaul)

Mr. Rooney presented the staff report. Items discussed included:

- Ms. Andersen has concerns for the proposed amount of parking spaces.

- Mr. Tomilson stated that DePaul averages about 0.7 parking spaces used per apartment, which is about 36 or 37 spots. Most of the residents usually don't have vehicle. He believes the proposed amount of parking spaces is plenty based on experience.
- Ms. Kalmar expressed concerns for the ingress and egress due to the fact that Tops Markets parking lot is already pretty busy. Ms. Kalmar also has concerns for emergency vehicles being able to freely move around in the parking lot.
 - Mr. Tomilson mentioned that the normal direction of traffic would be to turn immediately to the left once pulling in to the plaza, therefore there would be no need for vehicles to drive through the parking lot. There is a secondary entrance that aligns with the delivery area behind the Dollar Tree Plaza, that will also be available for emergency vehicles.
 - Ms. Kalmar stated that she would like the applicant to consider the layout as the flow of traffic seems like it is going to be a problem. Especially when people going in or out will have to cross over the cars that are leaving the plaza.
- Mr. Kane expressed concerns towards the fact that he believes that even though there is a secondary entrance, it is going to be gated off and locked up when it becomes needed, posing a problem.
 - Mr. Tomilson stated that the threshold for needed a secondary entrance is 200 units. This proposed project is only 48 units, which is well below the threshold.

A motion to recommend approval of Zoning Referral #2021-094 with staff advisory comments, and County Planning Board comments, was made by Ms. Roffe and seconded by Ms. Kalmar. Abstained was Mr. Brinduse. The motion carried. 14-0-1

Zoning Referral #2021-106, Village of Dansville, Zoning Text Amendment to add solar regulations as Article XV of Chapter 330 of the Village of Dansville Zoning Code (Applicant: Village of Dansville)

Ms. Underhill presented the staff report. There were no questions or concerns raised by the board.

A motion to recommend approval of Zoning Referral #2021-106 with staff advisory comments, was made by Mr. Pierce and seconded by Ms. Crunden. The motion carried. 15-0-0

Zoning Referral #2021-108, Town of Livonia, Zoning Text Amendment to add solar regulations as Article XVII of the Town of Livonia Zoning Ordinance (Applicant: Town of Livonia)

Ms. Underhill presented the staff report. There were no questions or concerns raised by the board.

A motion to recommend approval of Zoning Referral #2021-108 with staff advisory comments, was made by Ms. Mack and seconded by Mr. Pierce. The motion carried. 15-0-0

Zoning Referral #2021-107, Town of Groveland, Review of Moratorium Extension for Large Scale Solar (Applicant: Groveland Town Board)

Mr. Rooney presented the staff report. There were no questions or concerns raised by the board.

A motion to recommend approval of Zoning Referral #2021-107 with staff advisory comments, was made by Mr. Radesi and seconded by Ms. Mack. The motion carried. 15-0-0

Zoning Referral #2021-104, Town of Sparta, Zoning Text Amendments to Section 813 Motor Vehicle Repair Shops (Applicant: Town of Sparta)

Mr. Rooney presented the staff report. Items discussed included:

- Ms. Gehrig asked if the number of vehicles for the Town of Sparta code is already address by special use permit?
 - Mr. Rooney commented that currently the Town of Sparta code allows for up to 10 vehicles. The Town submitted that they would like to increase that number to 15 vehicles by special use permit.
- Mr. Weber, the chairperson for the Town of Sparta Planning Board, wanted to let the County Planning Board know that the proposed is not what the Town Planning Board submitted to the Town Board. It was submitted that the number would be determined by the Planning Board based on the site plan review and the number of acres. Mr. Weber stated that the Town of Sparta Planning Board does not agree with this amendment by the Town Board.
- Ms. Ferrero stated that there was an alternative proposal for the number to be up to 25 vehicles, but the Town Board scaled that back to the 15 proposed now.
- Mr. Radesi commented that he believes it is important to consider lot size when determining the number of allowable vehicles.
- Ms. Gehrig feels that the number of allowed vehicles should be based on a case-by-case basis.

A motion was made to approve Zoning Referral #2021-104 with staff advisory comments, and County Planning Board comments, was made by Ms. Mack and seconded by Ms. Crunden. Opposed was Ms. Gehrig. Abstained was Ms. Calabrese. The motion did not carry. 13-1-1

There was a quorum present at the meeting, but there were not enough votes to pass a motion on this referral. The staff advisory comments and County Planning Board comments will be forwarded to the Town for final action.

Local Announcements

None.

Other Business / Communication

- Upcoming training sessions: <https://www.livingstoncounty.us/673/Training>
- The Village of Avon has a historic district proposed. A map of the proposed was shown to the board members.

The next County Planning Board meeting will be held on February 10, 2022.

Adjourn

A motion to adjourn was made by Ms. Crunden and seconded by Mr. Fahey. The motion carried.

The meeting adjourned at 10:09 p.m.

Respectfully submitted, C. Joan Crunden, Secretary

Recorded by Jocelyn Bishop