

LIVINGSTON COUNTY PLANNING BOARD
Meeting Minutes – March 14, 2019

In attendance: TIM BRINDUSE, Village of Dansville; C. JOAN CRUNDEN, Town of Caledonia; KEVIN FAHEY, Village of Mt. Morris; CATHIE GEHRIG, Town of Mt. Morris; WILLIAM GRAHAM, Town of Groveland; ROBERT HAYES, Village of Avon; JILL KALMAR, Town of West Sparta; DON KANE, Town of Leicester; STEWART LEFFLER, Village of Geneseo, Chairman; DAVID LUCE, Town of North Dansville; ANITA MARTUCIO, Town of Conesus; CLARA MULLIGAN, Town of Avon; DENNIS NEENAN, Town of Lima; JOANNE PALMER, Village of Livonia; ALEX PIERCE, Town of Nunda; KAREN ROFFE, Village of Leicester; JACK SPARLING, Town of Livonia; JOHN VAN HEUSEN, Town of Ossian.

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

Members Excused: APRILE MACK, Alternate #1; JARED RADESI, Town of Geneseo.

Members Absent: GRAHAM FRAZER, Town of Sparta; BARRY INGALSBE, Village of Lima; KYLE MOTT, Town of Springwater.

Guests: Tom Mattice, UET Controls (ZR #2019-07); Bill Bacon, Livingston County IDA (ZR #2019-07); Bruce Howlett, Avon (ZR #2019-14).

Chairman Leffler brought the March 14, 2019, meeting of the Livingston County Planning Board to order at 7:04 p.m.

Ms. Kalmar led the group in the Pledge of Allegiance.

Chairman Leffler welcomed everyone and introduced the guests present. He provided an overview of New York State General Municipal Law, section 239 l, m, & n and reviewed the rules for member participation and voting.

A quorum was present.

Approval of Minutes from the January 10, 2019, County Planning Board Meeting

A motion to approve the meeting minutes from January 10, 2019, was made by Mr. Sparling and seconded by Ms. Gehrig.

The motion carried, with abstentions from Ms. Kalmar, Mr. Neenan, and Mr. Hayes.

Zoning Referral #2019-07, Town of Avon, Subdivision Review & Site Plan Review for 4,000 square foot industrial building on Interstate Drive (Applicant: Thomas Mattice, UET Controls)

Mr. Rooney presented the Staff Report on the Referral.

Chairman Leffler asked for comments or questions.

- Mr. Brinduse noted that some kind of paving should be done around the handicap access parking spaces, to allow for wheelchair mobility. Mr. Mattice of UET Controls stated that these areas will be paved.

A motion to approve Zoning Referral #2019-07, Town of Avon, Subdivision Review & Site Plan Review for a 4,000 square foot industrial building on Interstate Drive (Applicant: Thomas Mattice, UET Controls), with staff comments, was made by Mr. Brinduse and seconded by Ms. Palmer.

The motion carried, 17-0-1, Ms. Mulligan abstaining.

Zoning Referral #2019-14, Town of Avon, Site Plan Review for a 4,750 square foot office building at 1112 East River Road (Applicant: Richland Resources)

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 #2019-14, Town of Avon, Site Plan Review for a 4,750 square foot office building at 1112 East River Road (Applicant: Richland Resources) with staff comments, was made by Ms. Roffe and seconded by Mr. Van Heusen.

The motion carried, 17-0-1, Ms. Mulligan abstaining.

Discussion on draft County Planning Board memo re the importance of protecting prime agricultural soils when considering solar development.

Ms. Ferrero stated that Mary Underhill created the memo and compiled the list of guidance documents. The reasoning behind the memo is to advise municipalities that are working on or not yet working on regulations regarding solar energy installations.

Board feedback regarding the letter began with and can be summarized by Mr. Neenan's statement that the timing and quality of the letter is excellent. He went on to say that the need to protect prime and significant agricultural soils in the face of encroaching solar energy development is critical. The companies behind such systems are well-funded, not local, and interested only in profit; with no concern for the community the project affects. There are no benefits beyond the initial payments. If communities are not prepared with appropriate, protective laws and regulations already in place, they will be no match for the financial-political power and legal teams of these solar development companies when they arrive in an area. This view was echoed by members of the Board.

Specific, further comments included:

- Mr. Neenan: Quoting an article from *National Geographic*, only 8% of the world has prime agricultural soil for growing food. Livingston County has the highest percentage of prime and significant agricultural soils in the New York State.

- Mr. Brinduse: If only 8% of the world is made up of prime agricultural soil, and the world's population has doubled in the last 50 years, how will there be enough land to feed everyone, if solar development is allowed to occupy prime soils? Marginal quality land is much more available to solar development and should be used for that purpose.
- Ms. Ferrero read the opinion presented by letter from Board member, Jared Radesi, who could not be present this evening. Mr. Radesi echoes the views of his fellow Board members.
- Ms. Mulligan: Regarding the use of sheep grazing as an agricultural enterprise under solar panels, she stated that sheep could only be used as a tool to keep the vegetation under control, not as a lamb-producing operation. The quality of the grass under the panels does not allow for that.
- Chairman Leffler: He recently learned that solar energy installations are considered permanent, like a manufacturing facility.
 - Ms. Crunden, re the Horseshoe Project in Caledonia: The Town is addressing the Project as a 35-year plan. She is concerned about decommissioning if the company sells or goes out of business before 35 years have elapsed.
 - Ms. Mulligan: The land for this Project was sold all at once, by one landowner. It is now not locally owned, and there is no investment in the community.
- Mr. Pierce: Reporting on the presentation he attended about a new solar technology system, he briefly described it as a solar installation on a smaller scale that serves as a community benefit and energy solution. Noting that the company is from Italy, he stated that its advent might signify an opportunity to connect with and share information with countries that have similar solar vs. agriculture goals and concerns. Such cooperation could lead to benefits for all.
 - Ms. Ferrero stated that she would send informational videos about this company's technology to members of the Board.
- More than one member: The appeal of these solar projects is the large, immediate cash payment they offer to communities, which obscures the long-term detriments and lack of sustained benefit to the area. The solar projects of upstate New York are used to make profit for and supply power to the New York City area.
- Mr. Brinduse: Agreeing with the statement regarding New York City as the beneficiary of upstate solar energy projects, and adding that the interests of upstate New York are not represented by the priorities of the State government in Albany; he stated that the moratorium process is one of the strongest tools that local municipal governments have. An effort should be made to hire advocates/lobbyists to work for our interests in Albany.
 - Ms. Ferrero noted that American Farmland Trust and Livingston County Farm Bureau have both been very active on the solar issue. Locally, the Agricultural and Farmland Protection Board has formally issued its position advocating the protection of agricultural soils.
 - Mr. Graham, the new representative from the Town of Groveland: Based on his experience, the best advocacy is continual advocacy. Multiple repetitions and follow-ups are necessary for success. He suggested that the income generated by agricultural

production to Livingston County be determined and then compared with the projected effect solar energy projects will have on ag production and the County's economy.

- Ms. Gehrig: Challenged the members of the Livingston County Board of Supervisors and Livingston County to help local municipalities and communities on this issue.
- Ms. Crunden: Regenerate the *National Geographic* article, especially by sending it to the editor of the *Livingston County News*, Ben Beagle. Mr. Neenan will send a copy to Ms. Ferrero for dissemination.

A discussion regarding additions to the Memo and its recipient list occurred as Mr. Neenan prepared to move for its acceptance. Suggestions included:

- Mr. Neenan: Add a synopsis of the recommended best siting practices for solar installations, per NYSEDA's Model Solar Energy Local Law, and maps that show Livingston County soils compared with those in the rest of the State.
 - Mr. Pierce: The maps should either show a ranking of the soils or the percentage of land that is prime and significant soils, whichever show Livingston County in a more advantageous light.
- Multiple members re the dissemination of the Memo: It should be sent to
 - the Agricultural Farmland & Protection Board
 - Town Supervisors
 - Village Mayors and Boards
 - Town Planning Boards and ZBAs
 - Code enforcement officers and zoning enforcement officers
 - All elected officials, including State and local representatives
 - Neighboring counties

Advising that the Memo be kept distilled, short, and easy to read, Mr. Neenan moved to accept the Memo with the addition of a synopsis of NYSEDA Best Practices for Solar Siting Operations and accompanied by the maps discussed. Ms. Kalmar seconded the motion.

The motion carried unanimously.

Training: County Planning Board Basics

Referring to distributed documents and a PowerPoint presentation, Ms. Ferrero provided training on the County Planning Board, its role and responsibilities, per New York State General Municipal Law Section 239-l, m, & n.

Local Announcements

There were none.

Other Business

Announcement of the Genesee/Finger Lakes Regional Planning Council Spring 2019 Local Government Workshop on May 17, 2019, at the Burgundy Basin Inn, Pittsford. The Planning Department will cover the cost of one training/year for County Planning Board members. The

registration deadline for those members who would like to attend this workshop is April 22nd, at the latest.

Mr. Rooney reminded the Board about the Livingston County Community Cleanup Event, April 27 and 28, 2019. Anyone who is interested in participating should contact him.

Reminder of the next County Planning Board Meeting on April 11, 2019.

Adjourn

A motion to adjourn was made by Ms. Kalmar and seconded by Ms. Kalmar.

The meeting adjourned at 9:05 p.m.

Respectfully submitted, C. Joan Crunden, Secretary

Recorded by Linda Shanks, Senior Typist